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HANAN ASHRAWI: An Interview

COMMONWEAL

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WHAT IS A GOOD CONSCIENCE ?

Cardinal Ratzinger on moral truth

SIDNEY CALLAHAN

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CORRESPONDENCE

Amo, amas, amat, not

Athens, Ga.

To the Editors: I note that in your issue of September 10 a Latin sentence appears toward the top of page 22. I believe the word *sancti* should read *sanctos* as an accusative in indirect discourse.

KEVIN M. TORTORELLI, O.F.M.

The editors reply:

To save everyone the trouble of looking it up, the sentence in question—*Pro sanctis ac illis qui sancti se estimant*—appeared in a nonadvertisement on behalf of Sanctity Certification Services signed by one Giacomo Panettiere. It's, like, his slogan.

Two questions: Is this good Latin? Does it matter? On the second question, our first instinct is to cite the sainted and scholarly H. W. Fowler, who urged us one and all to "prefer geniality to grammar." Hey, who wouldn't? We all should remember, too, the dictum of Holy Roman Emperor Sigismund I. When his grammar was faulted by a prelate at the Council of Constance (1414), he replied: "*Ego sum imperator Romanorum, et supra grammaticam*," roughly translatable, "I am *il capo di tutti capi*; what I say goes."

Unfortunately *Commonweal* has small claim to the throne of the Holy Roman Empire. Moreover, there is an earlier and more authoritative source. When a pundit corrected the grammar of the Emperor Tiberius Claudius Nero Caesar (*regnat* A.D. 14-37), a sycophant remarked that if a word was not good Latin, it became so when used by the emperor. The Latinist retorted, "*Tu enim, Caesar, civitatem dare potes hominibus, verbis non potes* ("Caesar, you can give citizenship to *people*, but not [you lout] to *words*").

So what about the SCS slogan? Loosely, it translates: "For the saints, and those who think they're saints." More literally, however, it's: "For the saints [*sanctis*], and those [*illis*] who think [*aestimant*] themselves [*se*] to be [*esse*] saints [*sanctOS*]." It has to be *sanctos* (accusative case), not *sanctis* (ablative) because the word is linked by the copulative verb *esse* to the pronoun *se*, which is in the accusative as the direct object of the transitive verb *aestimant*.

You follow? If so, you understand that Giacomo Panettiere—not, perish the thought, *Commonweal*—made a booboo [*erratum*]. As for Father Tortorelli, we think him to be *sanctum, eruditum, acutum, rectum*, and a bit persnickety. But we thank him anyway. *Pax! Shalom! Salaam!*

Laity issue a flop

Tracy, Calif.

To the Editors: I think your magazine has long been the best periodical published by and for the Catholic laity. For that very reason, I was sorely disappointed by your special issue on the laity [September 10]. I found it very flat and uninspired.

It did not have to be that way. After all, you did review Kenan Osborne's new book, *Ministry: Lay Ministry in the Roman Catholic Church*, a treasure trove for any educated Catholic lay person. But your review was lukewarm and uninsightful. You could have offered your readers much valuable material just by scratching the surface of this book. It was a wasted opportunity.

ANDREW A. GALLIGAN

Fideism vs. adulthood

Bergenfield, N.J.

To the Editors: I'll chalk it up to pure coincidence that of the four comments addressing *Humanae vitae* in the Correspondence section of your special issue on "The Laity" [September 10], three were by clergy and the fourth by a "consecrated religious." It is clear that persons like Gerald Buckley, O.P., Hanna Klaus, M.D., and Matthew Habiger, O.S.B. see the church as something to be approached and lived in by fideism alone. Yet the issue they address, adherence or nonadherence to the letter of the encyclical, primarily affects the laity, and its resolution is a decision that faith alone cannot govern, but rather faith mediated by reason and reason mediated by faith.

If reason is not the final and ultimate arbiter between faith and practice, then Aquinas means nothing, education is for naught, and the capacity of Catholics in general to attain true adulthood will always be suspect. What kind of truth is the truth of fideism, which denies the inviolability of conscience and the relevance of the intellect in the making of moral decisions?

As a married Catholic, I am personally free from the moral trial of having to conform to this encyclical—my wife having had early and radical surgery, which ended our hope of having a child of our own. Today, we are proud adoptive parents and would accept more were adoption not so difficult. Yet I live and work in "the world" alongside couples who struggle in ways that only the married themselves can really understand. While *Humanae vitae* embodies much truth, it lacks the reasonable persuasiveness to be accepted as always binding, because it makes no provision for the unique exis-

(Continued on page 31)

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COMMONWEAL

CONTENTS

Volume CXX, Number 17

Correspondence: 2
Editorials: 3
The poet as diplomat: *Mary Pat Kelly* 4
'Missa latina,' yes: *Jim Bowman* 6
What is a good conscience?: *Sidney Callahan* 8
The Protestant moment?: *John Garvey* 9
Dragon in the toy factory: *Robert A. Senser* 11
No justice by the numbers: *Peter E. Ball* 14
Poetry: *Virginia A. Hlavsa* 16
Screen: *Richard Alleva* 17
Media: *Frank McConnell* 19
Stage: *Gerald Weales* 19

BOOKS

The Culture of Disbelief: *Don Wycliff* 22
Il Duce's Other Woman: *Karen Sue Smith* 23
Marvelous Possessions: *Leonard Deen* 25
Gospel: *Elizabeth Bartelme* 26
Religious booknotes: *Lawrence S. Cunningham* 28

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Trading up or down?

President Bill Clinton's bold kickoff of health-care reform last month momentarily eclipsed all other business in Washington. Even the euphoria of the Israeli-Palestinian peace accord seemed to fade in the bright lights of the president's medicine show. But that high state of excitement could not last; Russia, Bosnia, Somalia, and even NAFTA are still with us.

When it comes to NAFTA (the proposed North American Free Trade Agreement), the issues to be decided have serious political and economic implications. Is NAFTA an economic marriage made in heaven or a pact with the devil of neoliberal economics, leading to the death of the American Dream? Is it, for manufacturers, a road to the promised land, and, for labor, a path into the wilderness? Is it environmental catastrophe or harbinger of hemispheric eco-consciouness? Rarely—at least in recent times—has a trade issue led to such contradictory judgments, volatile rhetoric, and strange bedfellows.

What is NAFTA? Perhaps the most dispassionate, thorough examination of the agreement is the Congressional Office of Technology Assessment's "U.S.-Mexico Trade: Pulling Together or Pulling Apart?" It calls NAFTA "an unprecedented experiment in economic integration" between Mexico, the United States, and Canada. Over a period of ten-to-fifteen years, most tariffs would fall between the three North American countries, a giant trading block would be formed, and Mexico's economy would gradually be brought into line with those of its wealthier neighbors. The success of such a merger, NAFTA's proponents argue, would benefit not only the three countries, but eventually spread its benisons to the rest of Latin America and the Caribbean, enhancing those regions' economies and nurturing their recent experiments in democracy and political stability.

"All too dreamy if well-meaning," argue NAFTA's opponents. The first necessity is to take care of one's own. In their scenario, NAFTA would drastically, perhaps permanently, dislocate the U.S. economy. Not only would hundreds of thousands of jobs be siphoned off immediately to Mexico, but so would investment dollars needed to enhance U.S. competitiveness with Japan and Europe.

In our view, this criticism of NAFTA lacks historical context. A new economic order is not on the horizon; it is already here. The proposed NAFTA is but another signal that a long-term, fundamental economic shakedown is well underway. Like the movement of huge tectonic plates, this worldwide economic shift to freer market systems, transnational trading, and larger economic communities is seemingly unrelenting and irreversible. Regional trade agreements such as NAFTA can be a useful and necessary means of adjusting to the new economic order, an effective tool with which to help fashion the economic landscape of tomorrow—for the better.

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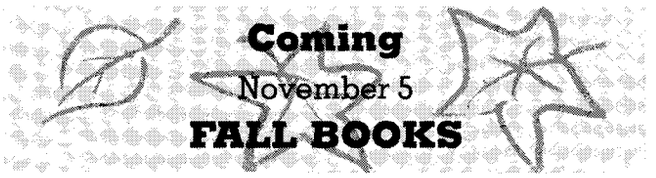

Of course, such massive economic rearrangements must be thoroughly analyzed and the burdens fairly distributed. There will be losers—that's why labor resists NAFTA—and winners. Those benefiting from such changes must share their gains with those displaced by "progress." Government has a primary responsibility here. As recent political events in Poland indicate, profound economic shifts that do not adequately take people's immediate fears and needs into account will be resisted.

As now configured, NAFTA—even with its side agreements on the environment and labor—leaves much to be desired. President Clinton has failed to address the legitimate concerns of workers, made skittish by a weak economy and the braying alarms sounded by Ross Perot. If NAFTA is to pass and work, Clinton must demonstrate not only the advantages of the agreement for America's workers, but reinvigorate their can-do spirit. He must again spell out a plan for retraining the American work force, and this time persuade Congress to pass it; indicate where future jobs will come from; and devise a safety net to protect those who inevitably will be displaced. He must also signal how he intends to pay for this, perhaps through a tax on U.S. firms that relocate production to Mexico. He must do this in short order to meet the present December 31 ratification deadline. Realistically, he may need to request an extension of the ratifying process.

Mexican President Carlos Salinas de Gortari's situation is decidedly different. The political, economic, and social ramifications for Mexico are more significant. NAFTA could transform Mexico's third-world economy and accelerate its recent experiments in political reform. Nevertheless, NAFTA does not adequately promote the rights of Mexican workers to organize and bargain, nor guarantee them safe work places and fair compensation. Protecting human rights must be given top billing in a democracy; such is not the case in Mexico. Co-signers of NAFTA should insist that these concerns be included and anchor them in preexisting international labor conventions. Finally, the tough environmental laws already on the books in Mexico must be enforced.

These are legitimate and important concerns—but it is reasonable to conclude, however, that acceptance of NAFTA is more likely to advance them than would its rejection, if only because all of North America would be monitoring the effects of the agreement. The *status quo*, under which industries relocate with little compensation for workers left behind and environmental laws are flaunted, should not be tolerated.

Governments play a crucial role in protecting the rights of individual citizens and in fostering the communal aims of a society. By and large, NAFTA would maintain national oversight and yet foster greater multinational cooperation. The agreement would be phased in over a lengthy but reasonable period; it would establish tripartite commissions to decide contested labor and environmental matters; and it is designed to protect domestic industries that might find themselves suddenly imperiled by new competition. Imperfect though these oversight and other mechanisms are, they encourage cooperation and conflict resolution, while maintaining the possibility of exerting positive leverage on one's trading allies.

Managed correctly, NAFTA could prove a powerful benefit to all three of its partners and set a needed precedent for future hemispheric agreements. Ratifying NAFTA will help make the transition to the new economic order, already upon us, more orderly and manageable.

AN INTERVIEW WITH HANAN ASHRAWI

THE POET AS DIPLOMAT

OPTIMISM ISN'T ENOUGH

Hanan Mikhail-Ashrawi has become known to many Americans as spokeswoman for the Palestinian delegation negotiating in Washington with the Israeli team. The diplomatic role is not new to her: over the past several years it has taken her to Prague, the Hague, Brussels, London, Stockholm, and elsewhere. Ashrawi has had other identities as well: scholar (doctorate in comparative literature, University of Virginia); professor and former academic dean (Birzeit University); writer (on culture, criticism, the *intifada*, the peace process).

But Ashrawi is also, and perhaps most importantly, a noted poet. It is this sensibility that causes her to focus on the human aspect of the Israeli/Palestinian conflict, the cost to ordinary people: not just the killing and maiming but the soul-destroying effects the occupation has had on both sides. Her perspective is so well known to other Palestinian delegates that when Secretary of State James Baker spoke of "the human dimension" of the peace process a committee member said, "Ah, that's Hanan."

When the stunning breakthrough between Israel and the PLO finally came early in September, it seemed a triumph for this human dimension. Terje Rod Larsen, the Norwegian who brought Israeli and Palestinians together in Oslo, characterized the relationship as a passionate and silent poetry. Ashwari embodies that kind of "passionate and silent poetry." Hers has become the face of a faceless people. Her words, formed into carefully constructed sentences, spoken with deliberation and an occasional humorous acknowledgment of the incongruous, balanced the shouts and keenings that were the only sounds most Americans ever heard (on television) from the Palestinians.

I spoke with Ashrawi in her hotel room in Washington early last month, even as the final details of the peace agreement were

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being worked out.

MARY PAT KELLY: Could you describe the inner workings of the negotiating process?

HANAN ASHRAWI: When we started negotiating [in 1991], it was with the Likud delegation. They had a hard time even addressing us as equals and as people. They never mentioned the word Palestinian. We were called inhabitants of the territories, as if we were an accident. They never mentioned "occupied Palestinian territories." They never admitted that it was occupied or Palestinian. They talked about it in ideological terms as Judea-Samaria.

They had the mentality of the occupier. It took a long time to convince them and teach them that they cannot bring power politics into play in negotiations. They cannot use racist terminology, they cannot have the attitude of the occupier. They cannot superimpose the situation of occupation, of the occupied territories, on the negotiation room. Here we are equals. There were quite a few confrontations on that issue.

It was very hard for them to shift and to really internalize the fact that we are human beings, and to talk to us as equals, eye to eye, face to face. There's the whole question of domination, of feeling that you are above the law. It gives you absolutist positions. You feel you have right on your side, you can justify anything that you do. At the same time you have dehumanized your counterpart. This is exactly what happened. But I think the negotiations have been educational.

You see there has been a distortion of the Palestinian identity, of our humanity. So we had to break through all these misconceptions, we had to assert our own humanity, we had to challenge all these mindsets and to say that we are representing ourselves for who we are, for what we are, directly without any intervention or distortion.

But there came a change in the Israeli delegation. I think so! I think they started watching their language, at least! And they started being conscious of attitudes that would express domination or racism. I think they have improved. Some of them, those who are committed ideologically to a certain attitude, find it difficult to make the shift just because the government has changed.

KELLY: How did you become involved in the process?

ASHRAWI: I grew up in the West Bank, in Ramallah, when it was Jordanian. I went to American University of Beirut, where I joined the Joint Union of Palestinian Students, and Joint Union of Palestinian Women. I did a lot of work in the refugee camps, and political action. Then I came to the states and got my Ph.D. at the University of Virginia.

I say just being born Palestinian gives you a sense of responsibility and commitment. You take a risk because you were born Palestinian, not to be subject to these stereotypes. Two-thirds of your people are in exile and one-third is under occupation. There's a sense of responsibility to do something about it. You live it, every day it intrudes. Occupation is so intrusive. It makes itself felt in every single detail of your life.

My children, for example. I feel nobody has the right to rob my children of their childhood. They haven't been to movies, to amusement parks, to concerts, to museums, to theaters, to anything. They can't even take the schools for granted—every day they wake up to see whether the school is closed, whether there's a curfew, or whether there is a checkpoint. Sometimes they go to school, they come back in tears, because of tear gas, because of the Army.

Our neighbor, one of their best friends, a fifteen-year-old kid, was shot and killed, five shots in the back. They have to be close to that. One of their schoolmates was also taken by settlers and shot in the mountains and thrown in the valley. This kind of knowledge that children should not have intrudes in their lives. It's our responsibility to save our children, to save the future for our children.

That's only one aspect but we were being turned into a highly traumatized people with no freedom, no rights. Collective punishments, house demolitions, killings, torture, and prisons—these are things that should not be part of modern discourse! I felt we all had to roll up our sleeves and had to do whatever we could. It's a responsibility. Not just because it's happening to me, and my family, children, and neighbors. Because it's an outrage.

KELLY: How does being a Christian, an Anglican, affect your Palestinian identity?

ASHRAWI: I keep reminding people that Christianity started in Palestine. It's a Middle Eastern religion, and we are extensions of the earliest community in Palestine. We have been there for centuries. Part of our own self-definition as Palestinians is that we are the original Christians and that we also have centuries of Muslim history. This society, which is so complex, has developed in ways in which mutual tolerance grew...very organic! I do not even know who is Christian and who is Muslim among my friends. We were solidly together as part of Palestinian

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authenticity, Palestinian nationality. So the Palestinian Christians are not a minority. We are Palestinians and we happened to be Christians, and this is part of our heritage and our authenticity. The Muslims are guardians of holy places, of Christian places, as Christians can be guardians of Muslim holy places.

The Palestinian churches are active and committed churches; they have a sense of moral responsibility and not just proselytizing or preaching. The effort to translate Christian values into dealing with the human condition took some time. I'm not saying they all do it. We have opposition from what I feel is a very sinister source, Christian fundamentalists, the extreme evangelicals.

I was told by one evangelical, "You people [Palestinians] have no right to exist, whether Christians or Muslims. You have no right to exist."

I said, "You want to exterminate all of us?" He replied, "You are an obstacle to the fulfillment of biblical prophecy. All the Jews have to come to Palestine, and therefore you shouldn't even be here!"

I felt that if this is Christianity...!

So while Christianity is a tool for modern reform, and a vibrant force for equity and justice, it can also be used by ideologues to justify atrocities. It reminds me of the Crusades. You know in the First Crusade, they killed the Palestinian Christians who went out to receive them, massacred all of them. This kind of absolutist, fundamentalist, dogmatic mentality is counterproductive, whether it is Christian, Muslim, or Jewish.

KELLY: What about the place of women?

ASHRAWI: Our society is a traditional society. It has always been male-dominated. At the same time, we have been a society that has valued education, that has a strong sense of openness to the rest of the world. Maybe because of our geographic position, of our history, the pilgrims that came, we were never an isolated, self-enclosed society. Therefore we did not have fundamentalism or real discrimination as part of our ongoing heritage. At the same time, as any other Arab society, any third-world... most societies in the world, women were not always viewed as equals. There was inherent in the system discriminatory attitudes and practices.

I would say for me personally, it hasn't been easy but it's been easier than for most other women in Palestinian society. I had an advantaged upbringing. My father, Dr. Daood Mikhail, was a strong believer in women's rights. He had five daughters. I'm number five, the youngest. But even before he married, he'd been an advocate of women's rights.

My father always believed in social justice. He was a doctor, yes, but at the same time he always said, "I'm a person first and a doctor second." He had such immediate and genuine feelings. He was a humanist, an intellectual. At a certain point, he was a socialist. He was firmly convinced that all types of discrimination were destructive. He said they don't go away by themselves, you have to struggle against them. He wrote even about self-liberation, "You cannot liberate the land without liberating yourself." He said this even under the British Mandate. So he wrote a lot about women's rights.

He raised [my sisters and me] to firmly believe that we were equal human beings; nobody should dominate us or feel they owned us. My parents said, "Our job as parents is to help you explore your potential, and then you go ahead and forge your future. And don't be intimidated."

I also was very fortunate to marry a man who was very liberated. He was originally from Nazareth. He's one of the few men who don't measure their value by the amount of oppression they exercise over women. He's not insecure at all, and he doesn't have this macho male ego. He doesn't view marriage as a relationship of competition, but one of mutual reinforcement and respect. That gave me a very significant advantage over other women, who have to struggle against their own family background, their own husbands, their own brothers.

We also have a strong and thriving women's movement. It has its ups and downs, but it also presents a support system, for me and for many other women who are working. I didn't work in isolation. At the same time, what I do also helps reinforce our women's movement. It goes back to the 1920s and charitable work. My mother was very involved. It was traditional, composed of urban, middle-class women. Now it has evolved into a genuine grassroots movement that reaches out to women in refugee camps, in villages; women who are not necessarily educated, who have to gain their own confidence and their own conscious awareness of their rights. There is some backlash now. Generally, fundamentalist movements would victimize women first.

KELLY: How do you feel about the peace agreement?

ASHRAWI: I'm very realistic. I think we have to keep at it and got to try to make it succeed. Optimism alone doesn't work. Determination and tenacity are necessary.

Mary Pat Kelly has recently completed her second film about Northern Ireland and is the author of Martin Scorsese: A Journey *(Thunder's Mouth Press).*

A BITE OF THE FORBIDDEN FRUIT

'MISSA LATINA,' YES
I LIKED IT. SO EXCOMMUNICATE ME.

A modest proposal, if you please, to return somehow, somewhat to the old liturgy. I make it after worshiping five Sundays in a row at my neighborhood Tridentine-Latin Mass church (doesn't every neighborhood have one?) in search of a newspaper story. The church, Our Lady Immaculate Roman Catholic, is run by the excommunicated priests of the Society of Saint Pius X, heirs to the late rebel archbishop, Marcel Lefebvre, who never met a *novus ordo* he liked.

These are traditionalist Catholics who reject Vatican II as the work of freemasons and Protestants and running-dog lib-

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erals. For them the Mass says it all. If it isn't Tridentine (dating from the Counter-Reformation Council of Trent 450 years ago), it's not a Mass.

That's not my position, but I like their Mass. It has Latin and Gregorian music and incense and long periods when we pew-sitters have nothing to do but let the music and smell of incense and overall ambiance of set-piece reverence wash over us. At the kiss of peace, we do not turn to shake hands with our neighbors—the virtual highlight of the Masses I usually attend. Instead, we concentrate on God above. We meditate and leave the hand-shaking for Rotary, Kiwanis, and the K.C.'s.

It's a serious bunch at this church. Don't look for a lot of greeting and meeting, though young parents can be seen after Mass comparing notes. It isn't against the rules to greet your neighbor. It just isn't something you have to do as part of the liturgy. Instead, you just show up and more or less nestle into things, which isn't bad after a week of bumping into people right and left in your search for wealth and immortality.

This Mass is in Latin, which is Greek to most of us, I know. But that makes it a quintessential ritual language, special language for church, language that says church is not an extension of the five-day week, but something different, something out of the way.

Do not look for discussion of rights, women's or otherwise. Women wear lace head-coverings here, and there are no altar girls, though women sing in the choir above and behind us, where the organist, an insurance salesman and part-time jazz musician, belts out *Kyries* as choir leader as well. This is important. The high Mass is sit-and-watch time for worshipers, but it's listening time too. Gregorian *Kyrie, Gloria*, and the rest come hurtling down from above. They fill the air while you the worshiper have time to think and be moved.

The whole thing is anathema to the modern churchgoer, as *novus ordo* Masses are anathema to these folks at Our Lady Immaculate. I count myself a modern churchgoer, but my baptism did not entirely take as a member of the new church, it seems. For one thing, I relish the passivity of this worship experience. No song leader is up there waving and weaving to get and help me to be a good Catholic by singing up a storm. No celebrant is looking me in the eye, sometimes like a veritable talk-show host, eliciting (extorting?) my response to his "The Lord be (or is) with you." No neighbor in the pew is looking for my hand at the Lord's Prayer. None turns to me at the handshake of peace. I'm alone with God, and I love it.

There. I said it. It wasn't easy.

Look, a good modern-church Mass is a joy forever, or at least for a few Sunday-afternoon hours. Holding hands at the Lord's Prayer is O.K., shaking on it before Communion is fine. Walking down the aisle rubbernecking to see who's around is fine, taking the whole-wheat host that cracks when I bite it, that's fine too. Watching people return from Communion is a meditation on solidarity, friendship, brotherhood, sisterhood. True, I can get something a lot like it at a meeting of my local political party or parent-teacher organization, but never with quite the Christian twist.

Let the record show I am not knocking horizontal worship. It's just that man is not fed alone by the bread of human intercourse, even in a divine setting. Humankind is fed also by the more or less monastic, the meditative, the being solitary in the company of others that characterized the now discredited, indeed mostly forbidden, Latin Mass.

There you are after running around all week, ready for something different. It's natural. You love God, you might even like God. But God is different from you and me. Extremely different. You would like to make contact. You would like to walk away changed, if only a little. You want a mood for some quiet communion. Among the Lady Immaculate worshipers are refugees from noise and frou-frou, balloons in the sanctuary and all that. They want something more reverential. For them worship is no cabaret, no more than life. They want meat on them bones, and sometimes almost raw meat at that.

They get it at Lady Immaculate. Sermons are devotional and aggressively pre-Vatican II, drawing on the heavily codified theology of that day. The regular priest, the Reverend Peter Scott, national superior of the society's thirty-five priests in the U.S., takes passing shots at rock music and television (is that so bad?) but concentrates on devotional themes: how Holy Communion infuses charity, for instance, thus cleansing the soul even of mortal sins which one has inadvertently not confessed.

Wow! Even the forgetful sinner is saved, thanks to this codifying of divine mercy itself.

It makes you squirm a bit, but Scott is no martinet. Writing my news story, I found him open and cooperative, unlike some Christians. Not to pick the favored whipping boy and girl, but anti-abortion activists do sometimes put others off with their tight-lipped intensity. Ditto rock-ribbed liberals pressing their causes.

But that's not what comes through in this Tridentine congregation, unless you ask around, as I did. Yes, there are some hard-nosed folks there, yearning for readier reference to hell and damnation. But the hardest of these, urging me for the umpteenth time to give them a favorable report, smiled when she spoke of Judgment Day when I would receive my just desserts. But that's not my point, which is that pre-Vatican II devotion seems not incompatible with 1990s' soul-feeding. Especially do I feel that something ought to be done about Sunday worship, to restore some of what worked before reform.

If God writes straight with crooked lines—the favorite aphorism of the well-meaning klutz—then maybe those stubborn Lefebvrists are telling us something we ought to listen to. The lesson is there one way or another: restore formality, stateliness, reverence to the Mass, or ratchet up your current formality levels, etc. It's for a whole parish to work on, not just the priest. As a church we took quite a flyer twenty-some years ago when we put our worship in the hands of some liturgical experts and told them to do it up new.

Now we have something that may have veered too sharply from. What? Tradition? Dare I say it? Traditionalists are a crotchety lot, rebellious and cocksure. Does that mean they are all wrong? Say it isn't so. JIM BOWMAN

Jim Bowman, former religion editor for the Chicago Daily News, *is now a free-lance journalist.*

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WHAT IS A GOOD CONSCIENCE?

CARDINAL RATZINGER ON MORAL TRUTH

In 1991, Cardinal Joseph Ratzinger gave an address in Dallas to the American bishops entitled "Conscience and Truth"; it was published and distributed by the Pope John XXIII Medical-Moral Center. A friend who knew of my work on conscience sent me a copy. I've been mulling it over ever since, with an increasing sense of disquiet.

At this point the need to come to grips with Ratzinger's reflections becomes urgent. In Pope John Paul's Denver address on conscience, I recognized some notes sounded by Ratzinger.

"Yes," I said to myself, "I've heard this song before."

And this may be only an opening aria. If preliminary reports of the upcoming encyclical *Veritatis splendor* are to be believed, a full symphonic treatment of this version of conscience is going to be performed for us all, *agitato* and *con brio*.

So what's my problem? If I agree with 80 percent of Ratzinger's message, which I do, as is usually the case with JPII too, why does the 20 percent that I can't abide bother me so much? Is it the case that I'm "a teabag left too long in the cup, and my steepings grow darker and bitterer?" (To steal a line from Wallace Stegner.)

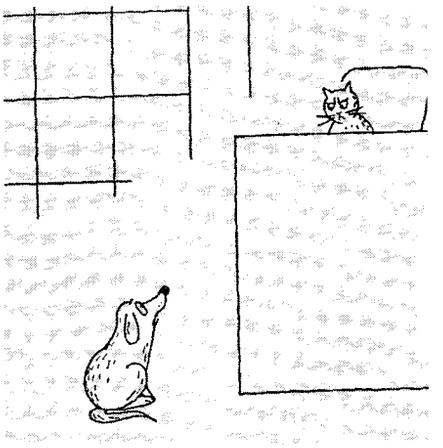
No, I'm of the optimist persuasion. But Ratzinger's views as exposed in his 1991 address spell trouble. His stated beliefs about individual decisions of conscience are ominous. The key problem is not humanity's capacity for guilt—of course, guilt goes with moral freedom—nor would anyone deny that an individual's conscience may be in error.

Ratzinger maintains, however, that when a person possesses an erroneous conscience he or she is morally guilty; it's not just a case of human limitation or ignorance. As Ratzinger explains it, "Man can see the truth of God from the fact of his creaturehood. Not to see it is guilt. It is not seen because man does not want to see it. The 'no' of the will which hinders recognition is guilt." In other words if you don't see the truth it's your own fault, "a deliberate looking away from that which we do not wish to see."

Ratzinger concedes that you have to follow an erroneous conscience, once it has come to that, but you are already morally guilty for the departure from the truth that took place beforehand. No more "salvation through ignorance" in this system. Only willful blindness and neglectful deafness keep you from recognizing those constant essential truths everywhere present in man.

But suppose I have no inner consciousness of betraying the truth and have tried hard to possess a clear conscience? Too bad. You are in worse trouble, more spiritually ill, when you don't feel your guilt any more, another culpable victim of "the subjectivist philosophy of the modern age."

To defend this radical position Ratzinger has to go all the way and put forth a two-level model of human consciousness and conscience. On the surface he finds a "superficial consciousness," a "self-consciousness of the I," prone to "pseudo-rational certainty." But this inner sense of one's self and one's judgments can be more or less dismissed. (So much for the power of human reason.)



"Uh-oh!"

Underneath self-conscious awareness there exists a deeper, more important unconscious level, where "an original memory of the good and true (both are identical) has been implanted in us." So, as Socrates understood, the human task is to remember, to recall the truth, to undertake Platonic anamnesis and recover the moral law written on our hearts. All humans are able to remember, to recognize and respond to the truth when it addresses us—if we haven't been guilty of turning in on ourselves.

And who is going to elucidate the recollection of our collective Christian memory? Who is going to discern and distinguish the true unfolding of recollection from falsification? You guessed it. The pope.

Papal authority springs from this task of advocating and defending the Christian memory of "simple faith." The pope must defend the church against the destruction of memory threatened by "a subjectivity forgetful of its own foundation." As Ratzinger sees it, "All power that the papacy has is power of conscience."

Well yes, that is surely correct in one sense. But in the Ratzinger reading of conscience, papal teaching authority would have to be ultimate and unquestionable. Think about it. First you claim that a person's unknown, unconscious nature is more important than any "superficial" self-conscious reasoning and awareness; then you assert that you have been given the key to elucidate the essential truths hidden beneath the surface. If some disagree, their dissent can only arise from their morally reprehensible denials of their internal promptings of truth.

Mmm. We've met this type of circular Catch 22 rationale elsewhere. Marxists in their heyday made the claim that if you balk at their class analysis you display your own false consciousness. Orthodox Freudians are past masters of the same game. The more you consciously protest and resist their interpretation of your unconscious the more you prove its validity. Perhaps some psychoanalysts (Jungians?) might still be found to agree with Ratzinger's overestimation of unconscious forces.

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Ratzinger quotes an existentialist psychologist, Albert Gorres, to support his case for guilt. He also quotes Psalm 19 twice, "Free me from my unknown guilt." The problem here is that psychologists disagree (as do philosophers and theologians) on the nature and function of the unconscious, as well as on the question of whether we could ever possess unknown moral guilt.

Human memory and its function open another minefield of controversies. Unfortunately for a concept of anamnesis, we now know that false memories can be unconsciously programmed and called up in persons who "remember" that they took part in satanic rituals, or were sexually abused as children, or were abducted by UFOs.

Well, you can see the problem of relying on the unconscious. I dread seeing Ratzinger and the pope becoming wedded to such an inadequate model of persons and their moral functioning. As Karl Rahner once said, "no doctrine of God is possible any more without a doctrine of man, no theology without an anthropology." It follows that when your anthropology becomes askew there will be repercussions in your moral theology.

Perhaps the worst effect of Ratzinger's views is that they justify silencing dissent and reasoned dialogues. One must defend the church from erroneous sinners. Papal authority becomes one with the Truth, the whole Truth, and nothing but the Truth—so help us, God. Immediate moral turbulence threatens once again. □

OF SEVERAL MINDS John Garvey

THE PROTESTANT MOMENT?

RELIGION IN THE UNITED STATES

In her contribution to *Commonweal*'s forum on the laity (September 10, 1993), Margaret O'Brien Steinfels writes, "The prevailing individualism, the tempting congregationalism of American Protestant Christianity, and the pragmatic rationality of our economic and business systems are increasingly congenial to the mindset of American Catholics. All of these represent enticing alternatives to the communal, hierarchical, and sacramental understandings that lie at the heart of Catholicism."

True enough, and true not only of Catholicism. Since December of last year I have served as pastor of a small Orthodox church in New York. It has been an interesting experience. To go from theological discussions in seminary classrooms, to reading articles on feminine images of the Holy Spirit in early Syriac Christianity, then to further reading (like much of what appears in *Commonweal* and *National Catholic Reporter* and *Christian Century*), to go from this into a parish, and then to see what most people regard as their religious life, is instructive.

There are many differences between Catholic and Orthodox parishes, but what struck me in Steinfels's quote was the similarity, certainly with regard to this movement away from the communal, hierarchical, and sacramental understanding of the church toward a pragmatic, congregational, and individualistic approach to church membership. I am not sure who it was who said, "In America, even the Catholics are Protestants" (Conor Cruise O'Brien?), but it is true, and true of the Orthodox as well.

Which should lead to some caution, on the part of those Catholics who blame Vatican II, or *Humanae vitae*, or sexual scandals involving priests, for such phenomena as "cafeteria Catholicism," the decline in the number of priests, the fact that few people go to confession, and so forth. A comparison with the Orthodox experience might be interesting.

Take the decline in the number of priests. It is true that the exodus of priests

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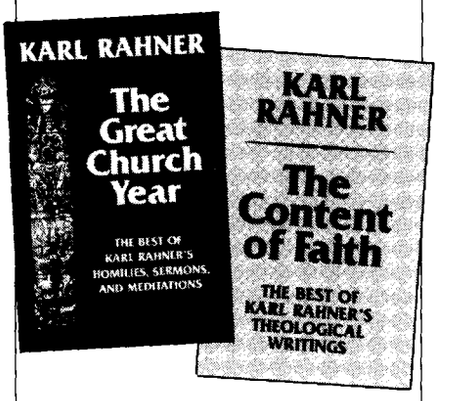
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following Vatican II doesn't have an Orthodox equivalent, and it is almost certainly true that the restriction of ordination to celibates is a major part of the problem. But the belief that a change in this discipline would lead to an adequate number of priests may be incorrect. My own jurisdiction, the Orthodox Church in America, is likely to face a priest shortage in the relatively near future. The reason for this is plainly not celibacy; the great majority of our parish priests are married. The reason, more likely, is the relatively low salaries most priests are paid, and the fact that most live in housing provided by the churches they serve, or are given a housing allowance. There is really little in the way of a "career path." The sacrifice is seen by many as too much to ask of a family.

Or take the matter of the decline in practice of confession. There are some Orthodox churches where Communion is infrequent, where confession is expected before each Communion. Increasingly, however, the trend is toward frequent Communion, and confession may be confined to penitential seasons like Lent and Advent. In a number of Orthodox Church in America parishes, general confession is offered, often in conjunction with Vespers. It has never been offered as an alternative to personal confession, and the fear that it will replace private confession seems misplaced: many people in these parishes still come to confession—but in all parishes, there are a significant number (in some parishes a majority) who simply never go to confession.

Some Catholic scholars have located the problem in *Humanae vitae:* people began to make up their minds on significant moral questions without priestly help, this line of reasoning goes, when the Vatican showed itself unrealistic about a problem the people knew more intimately than their celibate counselors. Apart from the fact that in all likelihood most Catholics didn't go to confession to ask priests for advice, but rather to confess their sins, this doesn't square with the Orthodox experience. The Orthodox didn't have *Humanae vitae* to contend with, of course, but although the decline in the use of confession may not be as apparent as it is in the Catholic experience, we have a great many people who now feel free to come to Communion without having gone to confession; and this is something their Orthodox grandparents would not have considered. Here I'm passing over a difference in practice in various jurisdictions; churches with a Slavic background are more likely to emphasize confessions than Greek churches. It remains true in any case that Communion is increasingly seen as a private decision, having little to do with the communal nature of the church, and the communal dimension of sin with which confession is meant to deal.

Then there is the question of congregationalism. This was our problem in America before it was yours. Most Orthodox parishes were started by laypeople, immigrants who asked the churches in their mother countries to send them priests, and then proceeded to regard the resulting church as their own domain, and the priest as the employee of the congregation. The positive side of this is a great deal of lay responsibility, and a genuine sense that the people are the church. The negative side is parochialism: the sense of Orthodoxy as a worldwide church, and of the parish as a community which participates in a much larger reality, is terribly attenuated in a great many churches. Although this has its origin in American Orthodox church history, it has been reinforced by the Protestant congregational mentality to which Steinfels points.

"First a vicar who doesn't believe in God and now the butcher's become a vegetarian."

Finally, we have our own equivalent of "cafeteria Catholicism." A number of Orthodox believe that any teaching of the church about any aspect of morality (abortion and premarital sex among them) must be decided by the individual; the tradition of the church isn't really consulted. The authority here is the *zeitgeist*.

The point of this is that all of us tend to be parochial. Catholicism looks toward its own particular history to see how and why people have jumped ship, stopped confessing, left the priesthood, taken a pick-and-choose approach to Catholic teaching, and so forth—but variations on this theme can be found in Orthodox Christianity and Judaism, and obviously can't be blamed on Vatican II or *Humanae vitae*. Judaism, of course, doesn't have to worry about Christian problems with the priesthood, confession, etc.; but there is among some Jews I know a real hostility to Orthodox Judaism, which is seen as too demanding and too serious about traditions which don't square with life in the modern world—at least with the lives a lot of us want to lead.

Habits of the Heart, by Robert N. Bellah, *et al.*, spoke convincingly of the tendency of Americans to seek a religion that will satisfy them, confirm their expectations, and make them feel good about themselves—in other words, a religion that will leave them where they are, one completely incapable of transforming them.

The real question here may be the place of traditional religion in a culture that celebrates individualism. Traditions are necessarily communal: they place us in the presence of the shared voices of many generations, and insist that if we choose to disagree with the harmony that can be found there we may be seriously out of touch with reality.

This is the least that can be said about a traditional religion, and even this least goes against the American grain. I think this is more a problem for America than for Orthodoxy, Catholicism, or Judaism, but it is a problem that has consequences for Americans who want to be in touch with their traditions, who feel a love for them, and yet do not feel capable of moving beyond the quest for autonomy and individualism—indeed, can't imagine that there is a reality beyond them. ❑

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DRAGON IN THE TOY FACTORY

WORKERS' RIGHTS IN ASIAN PLANTS

ROBERT A. SENSER

There's something odd about it: In an era of unprecedented concern for universal human rights, doubts still linger about whether the basic needs of working men and women qualify as "rights." A disaster at a toy factory on the outskirts of Bangkok ought to help erase those doubts. When a sudden fire last May destroyed the Kader-owned facility, some 188 Thai workers lost their lives because their right to a reasonably safe workplace had been grossly violated. The four-story factory was a death trap—it had no fire alarm, no sprinkler system, no fire hoses, and no fire escape; some regular exits were locked or blocked. Besides the fatalities, 379 other workers were injured.

Even as Thai officials were investigating the cause of the fire and promising to increase safety inspections of the country's many new factories, *The Economist* of London offered its historical perspective on the tragedy. "The early stages of industrialization are often rough," it explained. "Britain and America were able to afford better laws and safer workplaces as they got richer." This kind of analysis, often deployed to put a gloss of inevitability on even the most indefensible abuses of human rights, can sound plausible to the uninformed. But in this case it clearly doesn't fit the facts. The Kader factory, owned by some of the wealthiest Asians in the region, mass-produces stuffed dolls (Bart Simpson, Cabbage Patch, and others) for highly profitable U.S. retail outlets selling to the richest consumers in the world. The enterprise has been well integrated into a thriving global economy, one that differs radically from the historical model on which *The Economist* builds its rationale. Despite Kader's economic success, its workers have long been victimized by the company's low-wage policy. According to sources within the company, Kader has avoided paying many of its workers even Thailand's $5-a-day minimum wage by classifying them as "temporary" on renewable contracts.

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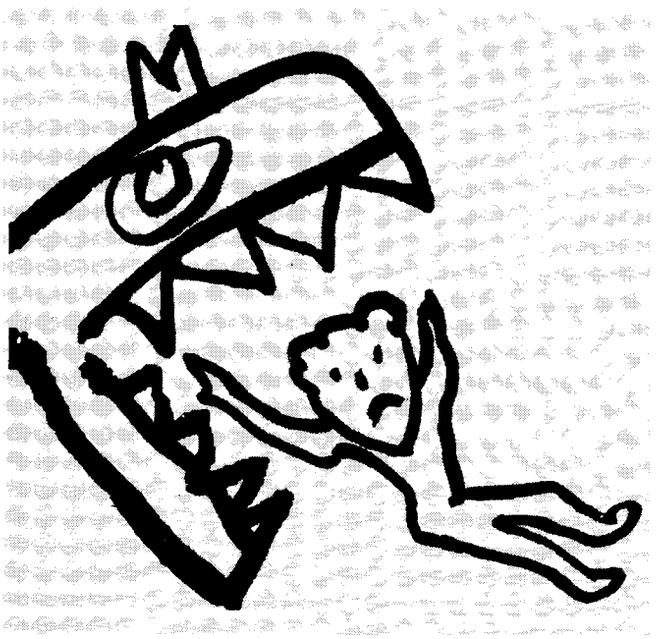
The English-language Bangkok daily, *The Nation*, which does not share the detached *Economist* outlook, pointed out a significant aspect of the tragedy: "The bodies pulled out of the wreckage [at Kader] were mostly young and female. Some of them may have been underage. At least two were heavily pregnant. What a waste."

The "waste" multiplied in Bangkok two months later when ten female workers, nine of them teen-agers, died in a garment factory fire from which they could not escape because of locked doors and barred windows. Similar disastrous fires have in recent years occurred in Bangladesh, China, Hong Kong, Indonesia, and Malaysia. In Bangladesh's capital city of Dhaka, for example, three twelve-year-old girls died in a 1990 garment factory fire that killed twenty-five persons and injured about two hundred, the great majority of them young women.

Disregard for safety is only one of the significant issues affecting the rights of workers in poor countries. Often in violation of their own laws, many third-world governments permit



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and even foster abuses, such as child labor (girls as young as seven and eight in Bangladesh), forced labor (notably in China, on a mass scale), bonded labor (especially for carpets in India), wide-scale discrimination and violence against women, and suppression (by violence, if necessary) of any worker efforts to form their own independent organizations.

A century ago Pope Leo XIII condemned the Western industrializing world for debasing the labor of human beings to the level of a thing, a commodity. He blamed the "callousness of employers and the greed of unrestrained competition" for the rampant exploitation of working men. Today, with competition unleashed on a global scale, working women have become the commodities of newly industrialized nations.

Goods now travel farther than ever; trade and investment reach out further than ever. But personal responsibility does not. At the U.S. end, we—customers, store owners, importers, investors, and all the others—handle the finished products, concerned only about price and quality. It is easier to be callous when the people working for us are Asians on the other side of the world. After the Kader fire, a U.S. trade association officer quickly distanced his industry from the disaster by emphasizing that the Kader workers were *not* on the payrolls of the U.S. companies.

It's true that fewer and fewer American businesses are *directly* involved with labor in foreign countries. They own a dwindling proportion of the plants in the export industries of developing countries, even though the United States is often the largest market for their output. Instead of producing the goods, U.S. companies increasingly act as distributors and marketers. Nike and Reebok, for example, have a few American quality control managers in Indonesian factories producing athletic shoes, but the factories, Asian-owned, work simply as suppliers under contract. Levi Strauss & Co., another large U.S. company that mass markets foreign-made goods, has about six hundred suppliers under contract in fifty countries around the world.

Contracting-out gives the U.S. companies a number of advantages. It makes their operations highly mobile, by allowing them enormous flexibility to choose among competing suppliers within a country, within a region, or even beyond, and to make and unmake contracts based on the lowest cost for a certain level of quality. Suppliers and countries compete against one another to offer labor at the lowest possible price. Local factories, squeezed by competitive pressure, cut corners. This can mean no pay for overtime work, no days off even on holidays, no sick pay, no first-aid for injuries, no decent toilets, no fire escapes. The most vulnerable under this global squeeze are uncounted millions of young women at sewing machines, behind microscopes, and along assembly lines in third-world factories.

Back in 1988, the Kader multinational offered a memorable example of the behavior often bred by transnational mobility. To meet the big holiday demand for Ghostbusters, Mickey Mouse dolls, and Big Hauler trains, a Kader factory in the province of China bordering Hong Kong was requiring its young women workers to work fourteen hours a day, seven days a week. Troubled by such abuses, Chinese government officials objected, but, as a Kader executive in Hong Kong, Andy Lee, said to a *Business Week* reporter, "We told them, this is the toy biz. If you don't allow us to do things our way, we'll close down our Chinese factories and move to Thailand." Kader didn't have to move; it did things "our way" both in China and in Thailand.

A few U.S. corporations that rely heavily on third-world imports are beginning to appreciate that they cannot operate that way. Levi Strauss & Co. took the lead in 1992 by adopting a sophisticated, two-tier human rights "code of conduct." One tier, its "terms of engagement for business partners," addresses a wide range of issues that are "substantially controllable" by suppliers. Important examples: no employment of children under fourteen, no use of prison or forced labor, no long working hours (over sixty hours a week), no "corporal punishment or other forms of mental or physical coercion." Recognizing that some problems are beyond the control of suppliers, Levi Strauss's code has another tier called "guidelines for country selection." Under one of those guidelines ("we should not initiate or renew contractual relations in countries where there are pervasive violations of basic human rights"), Levi Strauss has stopped doing business in Burma and is phasing out its operations in the People's Republic of China.

The breadth of the Levi Strauss code is exceptional. Organized U.S. business has so far strongly resisted proposals to give its blessing even to less sweeping codes such as the "Human Rights Production Standards" adopted by Reebok earlier this year, which covers much the same ground as the Levi Strauss code but is silent about doing business in entire countries known for pervasive violations of human rights. The codes are disturbing because they add a dimension beyond the profit motive to doing business abroad.

Moreover, worker rights codes depart from the dominant macroeconomic approach of economists, most of whom concentrate on growth in national output and per capita income, as though these describe the total economic reality. Per capita income averages say nothing about how income is distributed. The *Far Eastern Economic Review* reported last year: "A significant shift in the distribution of income and wealth in Hong Kong seems to have taken place over the past few years. *Review* research suggests that the majority of people have gained little from the advances in per capita GDP over that period. Instead, the gains have gone primarily to owners of capital and secondarily to acquisition of assets by the government."

By creating new jobs in the third world, trade should enable poor countries to get off the treadmill of underdevelopment without undermining the standard of living in the developed world. Instead, trade is primarily benefiting the elites, in both developing and developed countries, largely because the international labor market is a jungle. There are no binding international rules

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safeguarding the rights of workers. Policymakers, liberal and conservative alike, aggressively promote and enforce international agreements to protect the rights of investors and owners of intellectual property rights. But international rules to protect the rights of workers? That's heresy.

Not to everyone, however. The economic theories indoctrinated in graduate schools are facing some real-world challenges. In Asia hundreds of new nongovernmental organizations (NGOs) now speak out for the rights of ordinary people, including workers. Though still neophytes, these Asian NGOs are numerous and like-minded enough that they sometimes dare to oppose the development and labor policies of their own governments.

In the United States the TV networks, chiefly through their popular "newsmagazine" shows, have turned their cameras on the harsh labor realities, including the devastating Kader fire. Illustrated stories about hundreds of thousands of preteen Asian and North African children making carpets for Western living rooms have been perennial features in many leading world newspapers for some years. Now, despite the sensitivities of advertising departments, commercial TV is exposing such scandals, even revealing the brand names of companies involved. These audio-visual stories have a much greater impact on public opinion than headlines and photos appearing on the front pages of the *New York Times* and the *Washington Post*.

Meanwhile, a few economists and policymakers are trying to inject some reality into the profession's rarified perspective. Laura d'Andrea Tyson, the new head of the Council of Economic Advisers [CEA], is one such ground-breaker. In the current issue of *The American Prospect*, economist James K. Galbraith writes that Tyson is not a "model builder" working from economic theory but "a nuanced observer of the world as it actually is, a collector and weigher of evidence, a student of details." So far the Clinton administration has shown a mixed record on international worker rights. The appointment of Robert Reich as secretary of labor is on the plus side. The big minus is its failure to add a meaningful worker rights "side agreement" to the North American Free Trade Agreement, which devotes more than sixty pages to protecting the rights of investors and intellectual property owners.

Opportunities to translate into reality the campaign slogan of putting "people first" are still at hand. The Office of the U.S. Trade Representative, headed by Mickey Kantor, has before it petitions charging serious worker rights violations in Thailand and nineteen other countries and urging cancellation of the extraordinary privileges that businesses, U.S. and foreign, get for shipping imports from those countries into the U.S. Thanks to those privileges, granted under the so-called Generalized System of Preferences (GSP), importers benefit from what amounts to a government subsidy saving them tens of millions each year in U.S. import duties. In the case of Thailand, U.S. and foreign businessmen in 1992 saved uncounted millions by being freed of U.S. duties on dolls and other imports worth $1.8 billion (yes, billions). The intended purpose of these privileges is to promote healthy economic development in poor countries, and so under U.S. law countries with GSP status are supposed to meet certain criteria, among them enforcement of basic worker rights such as banning child labor and meeting minimal health and safety standards. Although Thailand has been in the dock since 1987 for violating those rights, the U.S. government has so far always found it "in compliance."

Such decisions have naturally led many developing countries and companies operating in them to believe that the worker rights aspects of U.S. law mean nothing. One important worker-rights step that the Clinton administration could take this year is to show that there is finally a price to pay—loss of the GSP freebies—for ignoring U.S. law.

Even equipped with the constitutional power to regulate international trade, however, the U.S. government can't, and shouldn't, carry the burden alone. Since private commerce now surges across most latitudes and longitudes, international businesses could assume some responsibility to police themselves, following the example set by Levi Strauss. Pressure from consumers and shareholders would help. Women's clubs, church groups, and others could develop contacts with Asia's struggling NGOs. If good people do nothing, it will be a green light for continuing the kind of callous irresponsibility that on the afternoon of May 10, 1993, brought a fiery death to 188 Thai workers, most of them women in their teens and early twenties. □

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NO JUSTICE BY THE NUMBERS

THE FEDERAL SENTENCING GUIDELINES MISADVENTURE

PETER E. BALL

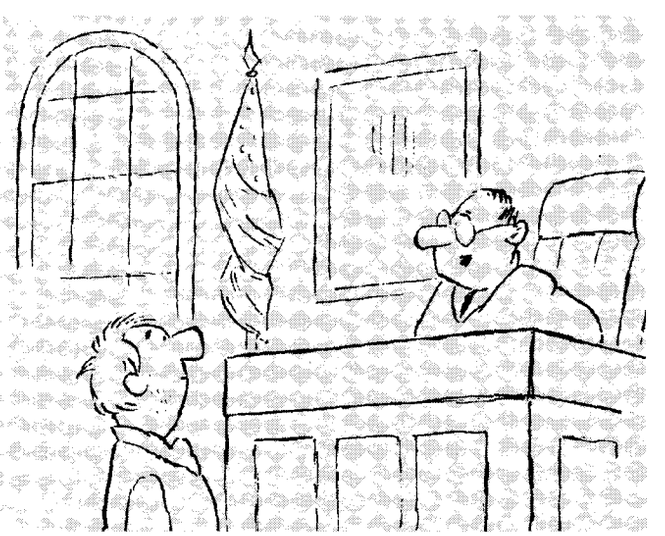
Jesus Lopez-Gil was a courier, or "mule," in one of the more ingenious plans devised for smuggling cocaine through an airport. Unlike most mules, Lopez-Gil did not have the drugs hidden in his baggage, strapped to his body, or wrapped in condoms that he had swallowed. With Lopez-Gil, the luggage he carried was the cocaine. Mixed right into the thirty-one pounds of black fiberglass that made up the side panels of his two suitcases was slightly more than five-and-a-half pounds of cocaine, which could be extracted only by a chemical process that separated the drugs from the fiberglass.

When it came time to sentence Lopez-Gil, whose nervous demeanor had led to his airport arrest, this strange case got even stranger. The law that governs sentencing in federal cases, the Sentencing Reform Act of 1984, did not permit the judge to hand down a sentence that he thought fit the crime and the offender. Rather, he was required to focus on and decide two questions of legal and pharmacological esoterica: (1) whether the weight of the cocaine that Lopez-Gil had tried to smuggle equaled the net weight of the drugs after extraction from the fiberglass panels or the gross weight of the panels; and (2) whether the cocaine that was ultimately extracted from Lopez-Gil's suitcase should be considered "cocaine base" or regular old cocaine. (The cocaine was in its "base" form, meaning it had not yet been refined into pure powder, or cocaine hydrochloride. While the Federal Sentencing Guidelines in effect at the time called for much stiffer penalties for smuggling "cocaine base," it was unclear whether these penalties were meant to apply to all cocaine base or just the most inimical type, the deadly "crack" cocaine.) Riding on these decisions was well more than a decade of Lopez-Gil's life. On the first question, the Federal Sentencing Guidelines, which went into effect on November 1, 1987, mandated a prison sentence that was at least two years longer for the greater quantity of cocaine. And, on the second, the guidelines required a prison sentence that was more than a dozen years longer if the drugs were considered "cocaine base."

Nearly three years after his arrest, Lopez-Gil's sentence is still not final, and the case has gone up and down on appeal several times. While the First Circuit Court of Appeals in Boston has ruled that the sentence must be based on the gross weight of the suitcase panels and that "cocaine base" includes more than "crack," the matter has been sent back to the sentencing judge to determine whether the "base" form of cocaine here is "cocaine base," as that term was used in the guidelines. When Lopez-Gil is ultimately sentenced, while the sentencing guidelines will require the judge to answer the bizarre questions posed above, they will not permit him to even ask the questions that a judge traditionally ponders before passing sentence: Is the sentence fair? What is its deterrent effect? What is its rehabilitative effect? Does it provide just retribution? Does it sufficiently incapacitate a defendant who, if free, might commit additional crimes?

Although the Lopez-Gil case is an extreme (and soon-to-be corrected) example, it evidences a systemic myopia that is one of the key reasons why, nearly six years after the noble guidelines experiment began, I have joined the ranks of those who believe that the guidelines sentencing scheme is neither better nor fairer than the concededly imperfect system it replaced, in which federal judges had virtually unfettered discretion to hand down sentences that fell anywhere between the minimums and maximums set out in the statute that had been violated.

According to Justice Department statistics, in recent years more than 80 percent of federal criminal cases have resulted in



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PETER E. BALL *is a former federal prosecutor who currently practices criminal and civil litigation at the law firm of Hill & Barlow in Boston, Massachusetts.*

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convictions, either after trial or as a result of guilty pleas. Thus, in the vast majority of federal cases—which involve more than 50,000 defendants a year—the most important issue is sentencing, and the Federal Sentencing Guidelines have effected the most significant changes in federal sentencing since the first federal criminal statute was enacted into law more than two hundred years ago.

The guidelines, which apply to virtually all federal offenses, superimpose onto the broad statutory ranges of penalties—such as ten-years-to-life-in-prison for selling more than a kilogram (2.2 lbs.) of heroin and zero-to-twenty-five-years-in-prison for armed bank robbery—a much narrower range of penalties that the judge must impose in any given case. In this fashion, the guidelines are not guidelines at all, for it is only in exceptional circumstances that a judge is allowed to depart from the sentencing range the guidelines dictate.

This sentencing range is determined by assigning points to the particular crime committed and then making all manner of adjustments for factors such as the defendant's role in the offense, whether he or she has "accepted responsibility" for his or her actions, whether a weapon was used in the commission of the crime, and whether the victim was especially vulnerable, to name just a few. In drug cases, the quantity of drugs is a big factor, and in all cases a defendant's "criminal history" is thrown into the mix. Because the guidelines require courts to quantify facts and assign them point values, judges find themselves having to resolve such off-the-wall questions as how to weigh the suitcase smuggled by Lopez-Gil.

The guidelines have thus shifted the focus in sentencing from the forest to the trees: from whether the ultimate sentence in any way reflects an appropriate punishment to a battle between defense lawyers and prosecutors over sentencing points. The result is that in what is perhaps the most gut-wrenching of all legal endeavors—the sentencing of a human being—lawyers and judges alike are reduced to bloodlessly parsing the Sentencing Guidelines Manual in the same way that tax lawyers dissect the intricacies of the Internal Revenue Code.

Of course, a fair criticism of the guidelines must take into account the problems in the previous sentencing law that led to the guidelines' "reform." The new guidelines were a response to perceived inequities in the sentences handed down by the nation's more than eight hundred federal trial judges. Given broad sentencing options, different judges were meting out grossly disparate sentences in very similar cases. These differences were occurring not only between the different jurisdictions, but within them. In Brooklyn, New York, for example, where I worked as a federal prosecutor, a typical "mule" arrested at Kennedy Airport with a kilogram of cocaine would routinely be sentenced to five or six years by one judge, considered the toughest sentencer in the district. If the same defendant had the good fortune to have his or her case randomly assigned to the district's most lenient judge (who happened to sit in the very next courtroom), he or she would likely end up with a sentence of around eighteen months (at least before the mandatory minimum sentences for drug crimes came into effect). Whichever sentence one thinks is more appropriate, it is hard to argue against the unfairness of allowing such a significant disparity in sentences to turn on which judge happened to be assigned to the case.

The disparities, however, were not quite as dramatic as they at first appeared. Under the old law, federal defendants were generally eligible for parole after they had served about a third of their sentence. And so, the parole board would even things up somewhat by releasing those with relatively long sentences early, while holding onto those with relatively short sentences longer. Of course, this did not result in complete evenhandedness and led to the criticism that the parole board was, in effect, re-sentencing defendants.

Faced with sentencing disparities that offended a sense of fairness and the imperfect remedy of the parole board, Congress came up with the Sentencing Guidelines. Unfortunately, the cure has turned out to be worse than the disease, substituting one kind of disparity for another and generating a host of additional problems.

Under the present guidelines, for instance, there are almost always factual disputes that the judge must resolve, followed by a determination about the implication of the facts when they are applied to the standards set out in the guidelines. While it may be simple arithmetic to add up the points once a judge has decided on them, there is nothing simple—or precise—about translating a unique set of (sometimes disputed) facts into points

Virginia V. Hlavsa

The Expedition

In 1898, three Swedes took off
in a balloon they called the Eagle. They were
to fly over the North Pole, dropping a flag
to honor their country. Gaily, the gathered
cheered their flight. But almost at once they lost
their guide lines. Then for days they were becalmed.
Then they had to land, collapse the balloon,
and make their way across the vast, drifting
fields of ice. Gamely, they set off, guessing—
East? West?—for the best route home,
but in their hearts,
like mine, the suspicion grew that the ice
was pulling them back faster than they could
move forward; that even when they at last
found solid ground, the passage got harder,
the hills higher, the goals less and less certain;
that, one by one, friends became foes and then—
just when one needed angry love the most—
even the foes died; and that the final
northern light is as dark as it is cold.

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"Ah, yes, many's the time I retired to my chambers to toss a coin. It solved a lot of problems."

in answering questions such as the following: Was the defendant a "minimal" player (minus 4 points), a "minor" player (minus 2 points), an "organizer," "leader," "manager" or "supervisor" (plus 2 to 4 points, depending on the circumstances), or none of the above (no adjustment)? Was the victim particularly "vulnerable" (plus 2 points)? Where a defendant is convicted of multiple counts, are the counts "closely related" so that the defendant does not get additional points for each count? Moreover, because the guidelines are so complex and contain many cross references, they are subject to numerous interpretations with respect to which guideline should apply and how the points should be calculated. In one case in which I was involved, the prosecutor, the defense counsel, and the probation department (which, as an arm of the court, makes the initial calculation for the court and the parties) each came up with a different interpretation and a different bottom line. The court settled on a *fourth* interpretation and on a calculation that was different from all of the other proposals.

Another reason the guidelines fail to meet their objective of uniform sentencing is because of contradictory interpretations given by the twelve different Federal Appeals Courts that collectively hear appeals from all the federal judicial districts in the country. Remember the Lopez-Gil case. The First Circuit Court of Appeals in Boston held that the sentencing judge should count the full weight of the suitcase panels in figuring the weight of the cocaine. At least three Appeals Courts have reached the exact opposite conclusion about whether the weight of the unusable portion of a drug mixture should be counted in determining the quantity of drugs. Thus, if Lopez-Gil had been arrested at an airport in Florida, rather than the one at which he was arrested in Puerto Rico, his sentence would almost certainly have been based on the net weight of the cocaine rather than the gross weight of the suitcase panels. Although the Supreme Court can ultimately decide conflicts between the Appeals Courts, its review in these matters is discretionary and the sheer volume of its caseload allows it to hear only a small fraction of cases where its review is sought. Thus, the Appeals Courts, which are required by law to hear virtually every federal criminal appeal that is taken, are often the final word on guidelines' interpretations for the federal districts that are in their jurisdictions.

Some of the controversies that don't make it to the Supreme Court are resolved by what is known as the Sentencing Commission. This permanent body, which drafted the first set of guidelines and constantly monitors guidelines' sentencing nationally, proposes hundreds of amendments every year or so that go into effect unless Congress blocks them. Indeed, the Sentencing Commission's latest round of amendments, set to take effect this November 1, resolve the *Lopez-Gil* issues by mandating that in the future, "cocaine base" will mean only "crack" and that the unusable portion of a drug mixture, such as the fiberglass in Lopez-Gil's suitcase, will not be counted in the weight of the drugs. But this constant upgrading has created its own problems. While the amendments make the guidelines adaptive, they also make them less user-friendly. The parties have to look back through layers of amendments to find the state-of-the-art at the time-of-the-crime. (The current published edition of the guidelines runs to nearly four hundred pages; the amendments add a hefty three hundred pages.) Then there's the debate over which guideline applies: the old or the new? In any event, as every lawyer knows, you cannot write a code to cover every factual permutation. Thus, while the Sentencing Commission can arbitrate how certain recurring fact patterns should be scored under the guidelines, many (if not most) cases do not fit into such a mold.

One of the harsher criticisms leveled at the guidelines comes from the federal bench. Many federal judges believe that the guidelines give prosecutors more say in sentencing than they have ever had, and in this way not only trample on what traditionally was the judges' domain, but create even more disparity in sentencing. The prosecutors exercise this power because by deciding what crime to charge, in many cases they control the direction of the guidelines' analysis. For example, in the case of a first-time offender who illegally ships military weapons to a prohibited country by providing the government with false documents, if the prosecution charges that defendant with illegally exporting arms, the minimum guidelines' sentence is about three-and-a-half years in prison. But if the charge is falsifying government forms, the maximum guidelines' sentence is only a year-and-a-half in prison. While the guidelines do include certain "relevant conduct" in their calculus and, in limited circumstances, direct the court to apply the specific guideline that relates to the most-serious crime that was committed rather than the crime that has been charged, there is no question that in many cases—like the one involving the sale of illegal arms—the government can largely control the sentence by its selection of charges.

All this is not to say that the Sentencing Guidelines are without their champions, one of the most notable being the Department of Justice. Some supporters argue, using certain statistics of their choosing, that notwithstanding the problems, the guidelines have still led to a system of more-uniform sentencing. In addition, those who believe that in the past the criminal justice system treated criminals too leniently point out that the guidelines have resulted in generally longer sentences, particularly in the area of white-collar crime. Also, the availability of "downward departures" for defendants who have provided "substantial as-

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sistance" to the government has given prosecutors a powerful tool for persuading (or, some critics say, coercing) defendants to cooperate, which in turn has resulted in more convictions of other wrongdoers.

Like most matters of complexity, the debate over the Federal Sentencing Guidelines does not lend itself to easy resolution. Given that the guidelines are the result of a great deal of hard work by a number of very intelligent people, it is hardly surprising that they have their supporters and their good points.

Yet, in my view, the guidelines fail because they seek to achieve an unobtainable objective: uniformity of federal sentences. Virtually every case and every defendant is different, making uniformity undefinable, let alone elusive. By taking the most difficult decision a judge has to make in a criminal case—one that calls upon all the judge's ability, experience, and wisdom—and reducing it to a mathematical formula, the guidelines substitute one imperfect system for another.

Given the high quality of most—although certainly not all—federal judges, I would rather entrust them with the sentencing decision, with the hope that, in most cases, the sentences they mete out are those most likely to be appropriate and fair. Toward this end, all federal district courts could put into place a program that some already employ: creating a sentencing panel for each case. The panel would consist of the sentencing judge and two of her or his colleagues. Prior to sentencing, all three judges would review and discuss the case, giving the sentencing judge the benefit of the other judges' opinions before passing sentence. The parole board would continue to serve in its admittedly imperfect role of providing a national perspective on sentences.

The Federal Sentencing Guidelines were a well-intentioned response to a real problem. The guidelines and those who drafted them deserve nothing but respect. Unfortunately, more than half a decade of experience under the guidelines has demonstrated that, when it comes to the grim business of determining the punishment for those who have broken society's rules, facts and people are not easily reduced to formulas. While there is some facial appeal to a scientific-sounding system that assigns sentences based on point totals, getting to those totals has proven to be a very imprecise and unwieldy venture. □

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10/8/93

SCREEN

HOLLAND'S MAGIC

A 'GARDEN' TO REMEMBER

Agnieszka Holland's temperament is bright, her instincts are theatrical, and her subject matter is oppression. When she made a movie about a Jewish boy shuttling between the World War II armies of Russia and Germany and constantly switching his allegiance from communism to fascism and back again in a desperate effort to stay

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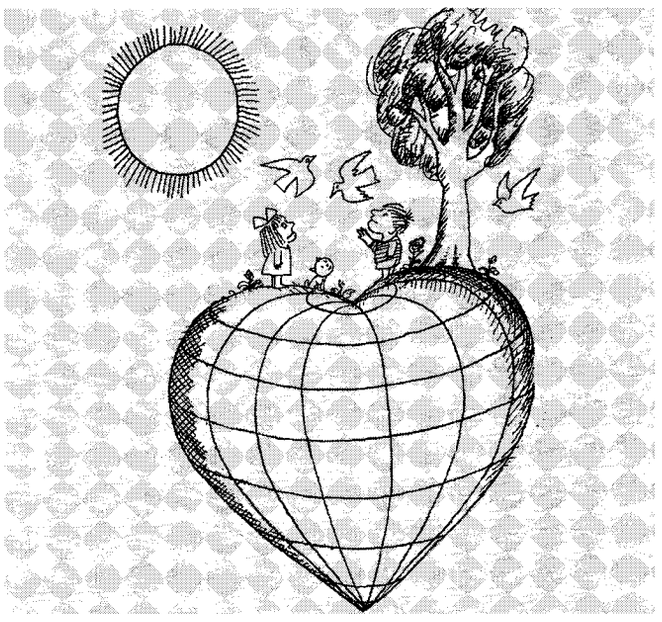
alive, she portrayed the story's horrors directly enough, yet the result is far from grim. The film might have been called *The Wild Body* rather than *Europa, Europa*: the hero leaps naked from his bath to escape Nazi thugs on "crystal night," later leaps from another bath to keep a homosexual would-be seducer from seeing his circumcised penis, and keeps bounding into and out of the arms of women who might desire him when he is a clothed German only to betray him when he is a naked Jew. In *Europa, Europa*, Holland made an unnerving comedy about survival within the hell of race hatred, and her instinct to render her subject with equal measures of lyricism, mordancy, and gallows humor fulfills itself in the boy's nightmare of Stalin and Hitler waltzing together amid the havoc their ideologies perpetrate.

It was an unlikely but happy inspiration to assign this Polish director of harrowing adult movies to direct the British children's classic, *The Secret Garden*. Her pity and her flamboyance insured that this wouldn't be another embalmed adaptation of a much-loved book. She has made not so much a children's movie as another Agnieszka Holland film about life dancing within, and finally out of, the jaws of death. This is a very faithful adaptation because in Frances Hodgson Burnett of Manchester, England, Agnieszka Holland of Warsaw, Poland, has met a soulmate.

Garden's heroine, Mary Lennox, is no political refugee, yet she, too, in a way, is a victim of ideology, a domestic ideology that might be expressed as "children must be adornments to their parents and class or else invisible." Born in nineteenth-century India to two bright young members of the British Raj, Mary is handed over to native servants who keep her well out of the way of her partying parents. It is duty and pleasure to the Lennoxes to be social stars, and any child of Mary's homeliness and bad temper could only be an impediment to their social progress. When that progress, along with their lives, is buried beneath rubble during an earthquake, the little survivor is sent to live in the home of her mother's twin sister in Yorkshire.



Quite a home. The aunt turns out to be dead, her widower, Lord Craven, is a morbid recluse, and a hard-bitten housekeeper has charge of Misselthwaite Manor. The hallways echo with strange cries and a certain garden is kept locked behind high walls. Mary investigates and makes two discoveries: she has a little cousin, Colin, supposedly crippled, who is being cosseted to death. And the secret garden is to be the salvation of both children. For the garden was the scene of the aunt's accidental death and therefore Lord Craven hates it. Only by breaking into the garden and making herself its restorer can Mary unwarp both her spirit and the body of her cousin.

To call *The Secret Garden* D.H. Lawrence for kids would be smart alecky but not inaccurate. Mrs. Burnett shared with Lawrence certain beliefs: the restorative powers of nature, the essential goodness of instinct, the need to fight the deformations of a biologically parched society. Holland responds to all this and to everything else in the book—the Gothic spookiness, the socially complicated struggles between heroine and household staff, the near animism of the garden cure, the scorn for the quackery of Colin's medical treatment, the Dickensian pathos of the final reunion—wholeheartedly and with theatrical panache. Though Holland's cinematic style is conventional enough in terms of camera placement and cutting (when she wants to suggest the complementary natures of the cousins in their first meeting, she can think of nothing better than alternating close-ups), she is resourceful when it comes to large groupings, costuming, and props. Although the entry on Holland in the *Dateline Encyclopedia of Film* lists only cinematic schooling, most of the best moments here, and in *Europa, Europa,* suggest a stage talent stimulated by the resources of film. I don't write this in disparagement; Ingmar Bergman has always struck me the same way.

I won't soon forget:

The very first shot of Mary being dressed as if she were a mannequin by her Indian servants: a little girl robotized by the very hierarchy that is supposed to exalt her above the natives.

The first view of Colin, so buried in his invalid's bedding that he seems to be trapped in a cocoon.

The hilarious but slightly scary sight of the entire manor staff, assembled at the newly emboldened Colin's behest, every face covered by a surgical mask.

Especially stirring: Mary, looking over a railing, bids a fond farewell to her cousin as he walks down a huge staircase. But then the camera shifts a little to the left to reveal the formidable housekeeper, Mrs. Medlock, ascending and glaring up at Mary. In a white nightgown, Colin is a pale wraith disappearing into darkness. In her red wrapper, Mrs. Medlock is an avenging splash of blood.

That last shot not only indicates Holland's skill but a tendency to overreach for the sake of flashing effects. What is the puritanical, mingy Medlock doing in that flamboyant get-up? Well, getting a sharp intake of breath from the audience, certainly, but still....

But the film's most problematic feature is its resolution, a problem that is also in the novel. Once the children have re-

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newed the garden, only the capitulation of Lord Craven to love and duty remains to be accomplished. Mrs. Hodgson brings this about by stressing the telepathic bond between father and son. It's a rather too mystical resolution, especially since most of the preceding drama has proceeded from the interaction of characters and acts of free will. But Holland, ever faithful to her source, seizes this opportunity to stage a vivid and amusing bit of hocus-pocus in which Colin calls across continents to his straying father. In the 1949 M.G.M. version (good but largely inferior to Holland's), scriptwriter Robert Ardrey came up with a much more muscular, more truly dramatic device. Ardrey made it explicit that, since the mother was killed in a fall from a tree, Lord Craven's hatred of nature (and of life itself), focused on that tree. But as the centerpiece of the garden, it is the object of his son's love. When Craven advances upon that tree, ax in hand, at the climax of Ardrey's script, he hears the pleas of his son. Does he then avenge himself on nature, thereby destroying still another member of his family, or does he accept the fact that the natural world both destroys and restores, takes yet gives? Thus, the outcome turns upon a decision and therefore a true climax, while the Holland version, with its vaporish aristocrat simply yielding to the tug of his son's love, is a capitulation rather than a climax. To be sure, it is the Holland version that is truer to the book, but this only shows that adaptors shouldn't be afraid to improve upon their original.

The actors, with one exception, couldn't be better. Andrew Knott, as Dickon, Mary's nature-boy assistant, is pleasant but can't project the essential image of the character: Pan in trousers. But Kate Maberly as Mary gives perhaps the most deliberately uningratiating performance I've ever seen from a child actor. Her tight little face and wary eyes repel the easy affection we want to feel for children and force us to take the moral struggle of her character as seriously as we would that of any adult. You end up liking Mary and cheering her on but only after Maberly illuminates the girl's hard-won triumph over her own emotional meagerness. It's an astonishingly disciplined performance from one so young. Heydon Prowse makes Colin magnetic and funny even in the little hypochondriac's most hysterical moments. Given the peculiarity of Holland's conception of Lord Craven (Swinburnian tresses, silken moustache, tapering figure), John Lynch does quite well. (But Herbert Marshall's bottled-up fury in the M.G.M. version was closer to the mark.) And grand Maggie Smith rightly keeps Mrs. Medlock from being a one-dimensional monster by registering the frustration and the warped but very real sense of duty within the domestic tyrant.

But the most memorable appearance here is Laura Crosley's as Martha the maid, a performance that may be either acting or merely a genius stroke of casting. Is Ms. Crosley a real actress or simply the most irresistible female adolescent on the face of the earth? Only time, and subsequent movies will tell. Meanwhile, I don't want to analyze her performance. I would much prefer to kiss her. RICHARD ALLEVA

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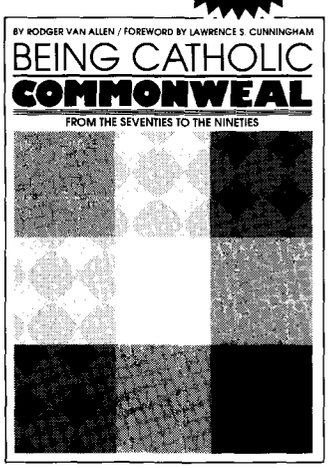

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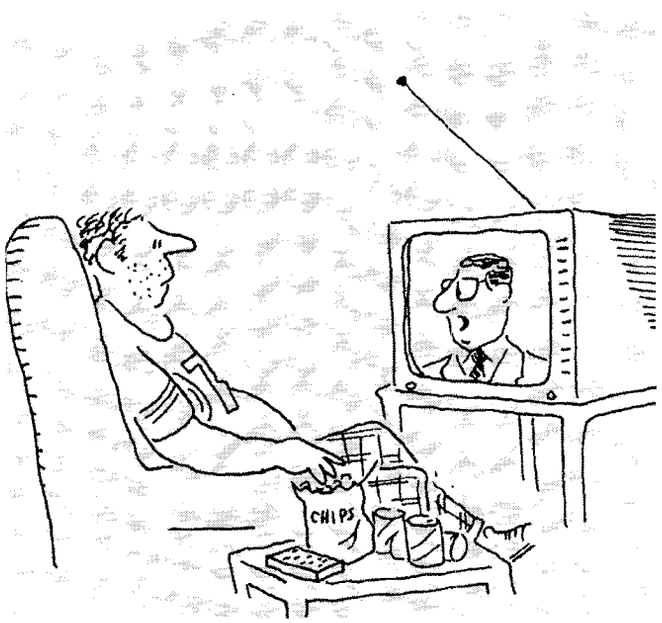
SMART, HIP & REAL

BOCHCO'S 'NYPD BLUE'

Steven Bochco's new series, "NYPD Blue," is by now running on ABC—or at least all but fifty-seven or so ABC affiliates who've caved in to the protests of the Religious Right (a term to which we shall return). It is—let's get this out front from the beginning—brilliant. The camera work is cutting-edge sophisticated and hip; the big-city ambiance perfectly captures the massive, sudden loneliness, and metaphysical finality of *Urbs Americana*; the plotting is intricate and, for all its intricacy, convincing and rich with promise for future development; and the dialogue—here I speak with professional envy—is to kill to be able to write. In an early scene in the first episode, Detective John Kelly (David Caruso) confronts his older, alcoholic, and slipping partner, Andy Sefowitz (Dennis Franz) in a bar. "When's the last time you tried to go on the wagon?" asks Kelly. And Sefowitz (Franz, than whom perhaps no actor working is better at miming existential self-loathing) rounds on his partner and—it's the only word—spits, "When's the last time you tried to grow tits?" Nine words, folks: the right nine words and, as delivered by the extraordinary Franz, much better than a truckload of books on the desperation—and desperate wisdom—of a drowning drunk who sees with terrible clarity the whirlpool he's caught in. I'm not kidding here: it's an instant of heart-stopping, great acting. And that, in its bitter charity, is just how good "NYPD Blue" was throughout its first episode.



"The following program is intended for mature audiences, but we're aware of the reality of the situation, so you can watch too."

So what's the problem?

The problem is the Reverend Donald Wildmon.

Donald Wildmon lives in Tupelo, Mississippi—where Elvis was born. Wildmon is the founder of the American Family Association, which claims, as of 1991, 400,000 members nationwide, and whose burning mission is to monitor and then protest excessive violence, profanity, and nudity—I hope I've got the hierarchy right—on TV.

Wildmon's thought police have protested "Soap," "Maude," "Hill Street Blues," "Married—With Children," "L.A. Law," and God knows what else. An AFA protest takes this form: if you run this show, we, all 400,000 of us, will stop watching your station and buying products from your advertisers. And, of course, they've been doing the same thing, with *hypus maximus*, over "NYPD Blue."

Now since *Newsweek, Time*, and all those other secular, glossy weeklies have also blazoned the AFA/"NYPD" brouhaha—there've been petitions against its "pornography" in local drugstores to be signed by people who haven't even *seen* the thing—let's get a few things very straight.

First: Is "NYPD Blue" Important? Answer: Yes, not just because it is a great show, but because a number of areas in the country *are not even going to get the option of disagreeing with me about that*, just because Wildmon & Co. have already made the choice and found station managers weak-livered enough in those venues to go along.

Second: Is The Show *That* Great? Answer: No. But it's really, really good. Caruso and Franz are a perfectly matched pair, the first young and on his way up but already separated from his wife because of the job, the second burned-out and in daily, howling despair but still preserving a core of wistfully-remembered dignity. Unlike "Hill Street Blues" and "L.A. Law," this Bochco vehicle promises to be an exploration of the psychic struggles of two guys trying to make sense of their lives in the urban tangle where we all, after all, live. With luck and talent (and God knoweth the show has alotta that) it may *be* that great.

Third: Is It Pornographic and Hyperviolent? Answer: Here as so often the Religious Right is actually the Religious Wrong. In the first episode, one guy—Franz—gets shot, and much of the show is scarily about what it really *means* to take some bullets, in a way that should trouble, more than anybody else, the NRA. And there's, okay, some nudity and some *language*, as Aunt Hester used to say: nothing that your average six-year-old from Chicago or, for that matter, Mayberry R.F.D. doesn't know about. And the thing airs, nationwide, at 10 P.M. *Ten*. Don't the AFA soldiers know how to tell their kids to go to bed? Haven't they discovered the great, radiant secret of the TV set—that it has an OFF button?

And Fourth: Don't We All Have Better Things To Do? Answer: Oh, Yeah. "NYPD Blue" is wonderful, moving, human stuff. I hope it runs forever. But, like every work of art from *Hamlet* to "Garfield," it's just a work of art. As Auden wrote, "poetry causes nothing," and that's its glory as well as its limitation. Ever since Plato, in *The Republic*, banished

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poets because they were immoral liars, the smug, maddeningly normal self-righteous have been trying to insist that this sort of thing is bad, perverting, soul-destructive for you. And we read those two—literally—appalling books, the *Iliad* and the Bible, and we still come away from their gore and chaos the better for having been there. Maybe—I'm not kidding here—there's some kind of recessive gene that inhibits the ability to use storytelling as a tool for living, that blocks the sense of metaphor.

Wer weisst? The show itself is about as good as TV can get. As a second-rank detective writer, I'm covered with envy at the thing: it's the way a big city *feels*, and it's the way it feels to try to live in, and make a human life in, that surprisingly alien environment. At its center, it's a story about how terribly hard we try to love one another, and how terribly hard that is: which is, of course, what the big city is all about.

And it will, I hope, survive the initial flak generated by Wildmon and his brethren of the AFA. Or maybe it will thrive because of that. Surely, no TV premiere in recent years has gotten this much media attention: Wildmon's wildmen have made sure that everybody who could watch the first episode would watch the first episode.

Steven Bochco must be, at this moment, one of the happiest guys in the world: not only because he's brought forth yet one more splendid demonstration of how good TV can be, but because he's summoned forth the ideal, thin-lipped and schoolmarish adversary to make his grand show look even better than it really is.

FRANK McCONNELL

STAGE

NEGATION FIGURES

WELLMAN'S 'SINCERITY'

Mac Wellman is one of the most elusive and most impressive playwrights in America. A playgoer who wants to see what he is up to has to keep a sharp eye out for off-off-Broadway listings and move quickly before the productions fold their tents and quietly fade away. *Sincerity Forever* was recently and briefly back in New York in a reasonably effective production by the Nevermore Theatre Project, a new company which describes itself as "dedicated to expanding the ambition and scope of non-commercial contemporary theater." That sounds like Wellman territory.

When *Sincerity Forever* first appeared at the Berkshire Theatre Festival in 1990, it was cited by the American Theatre Critics Association (ATCA) as one of the outstanding new plays of the 1990-91 season. Its first New York production, by the late lamented BACA Downtown in Brooklyn, picked up two Obies and a citation from Mel Gussow in his Off-Off-Broadway roundup in *The Applause/Best Plays Theater Yearbook, 1990-91*. That volume, as the series regularly does with ATCA choices, printed a sample of the play, the last long denunciatory speech by Jesus H. Christ, a speech which Congressman Dana Rohrabacher (R-Calif.) called "a four-letter version of the Sermon on the Mount." Not a bad description, but the self-styled legislative moralist did not mean it as a compliment; he called the play "yet another NEA outrage." The National Endowment for the Arts, which had given Wellman a playwrighting grant, asked him to remove NEA credit from the play which, with typical graciousness, he did, adding a note to the script saying that the play "was not made possible by the generous assistance of the NEA. I don't know what I was thinking." Despite the original critical reception of the play and the whiff of scandal surrounding it, it had pretty much disappeared until the Nevermore production.

The immediate point of *Sincerity Forever* is that the characters, who are at once high-school students and members of the Invisible Nation (they wear KKK-style costumes that unfortunately make them look like the Coneheads), readily proclaim their own sincerity and see it as a virtue which validates their ignorance and their dangerous narrowmindedness. This is a familiar Wellman theme, voiced in various imaginative conceits—a conviction of what, as Jesus H. Christ says, "a/sorry place this world is, what with all the jive/ass bullslinging, and endless justifying." Their sincerity speeches, full of American optimism, are invaded and subverted by the presence of "Two Mystic Furballs of the Tribe of Abadddon and Belial," negation figures. Christ, who in this production is a black woman (a black man when the play was first done), has come to drive out the furballs and to denounce the insularity of the characters. Her last long speech, which for all its vernacular eloquence begins to sound too overtly didactic, is saved by a last Wellman twist. As she exits, presumably leaving them stunned and enlightened, one of the characters, still mirror-obsessed, not doubting in whose image God was created, says, "Who was that African-American woman?"

There is never any doubt that Wellman's plays are about something in the most serious sense of aboutness, but the mark of his work is his language. Here he uses two styles: the bromidic everyday language of the high schoolers, a mixture of dating gossip and philosophic maundering, and the vital, violent, obscene diatribes of the furballs, denunciatory catalogues that become a kind of demented poetry. He plays verbal tricks within the two styles. The play consists primarily of two-character scenes, school chums or couples talking in a parked car. As the play goes on, the conversations begin to invade one another. One fatuous scene between a boy and girl is redone word-for-word with two boys and takes on a totally different tone. Obscene phrases from the furballs turn up in otherwise innocuous exchanges among the teen-agers, and even the furballs find themselves succumbing to protestations of sincerity.

It is a rich and challenging Wellman brew.

GERALD WEALES

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The faith that dare not speak its name

THE CULTURE OF DISBELIEF
How American Law and Politics Trivialize Religious Devotion
Stephen L. Carter
Basic Books, $25, 320 pp.

Don Wycliff

It should be news to no one that religious people of liberal political bent have found it increasingly difficult in recent years to maintain solidarity with secular liberals. It's hard to feel comfortable with, much less close to, someone who evidently holds in contempt the thing that one values most.

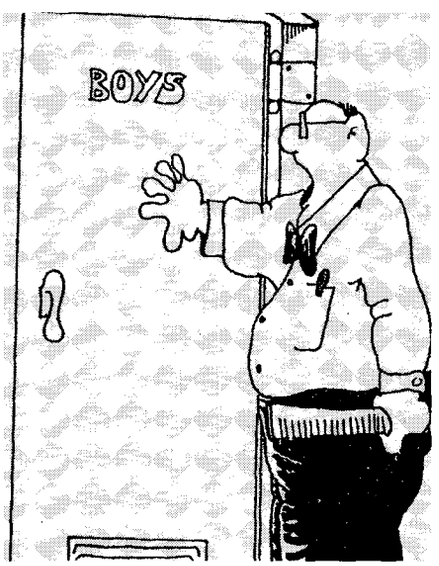
This estrangement has been especially acute and painful to Catholic liberals, many of whom supposed they had broken free of parochial exclusion and into the American mainstream, and who probably believed, in any case, that they had a right to expect better. Catholics are, after all, heirs to a tradition of social teaching and social action that embodies all the best of what liberalism ought to denote.

But secular liberals have grown progressively more brittle and ideologically rigid over the last two decades. And Catholics of whatever political stripe remain, in their view, Catholics, members (dupes?) of a religious institution that is hopelessly backward, unforgivably repressive, and (in the most extreme formulations) fundamentally un-American. As they have calcified ideologically, secular liberals also have attempted to impose a legal and cultural regime that, says Stephen L. Carter, effectively and illegitimately rules "God-talk" out of bounds in discussions of politics and public policy. As Carter puts it: "There are, we are taught by our opinion leaders, religious matters and important matters, and disaster arises when we confuse the two."

Carter's view is that there is more than a little bit of hypocrisy involved in this, since "there is much depressing evidence that the religious voice is required to stay out of the public square only when it is pressed in a conservative cause." What's more, he contends, disaster—or at least grave distortions of the social and political orders—is as likely to result from segregating religion from politics as from inviting it in.

Carter's central contention is that democratic politics, the arena in which minorities try, through persuasion, to transform themselves into majorities, is precisely where religion belongs. What our culture must begin to appreciate is that it is the persuasiveness of an idea, not its provenance, that matters. And it is on their ideas, not on the fact of their religiousness, that participants in the public debate ought to be evaluated.

Carter, a professor of law at Yale University, approaches this subject from the perspectives of a religiously committed person—he is an Episcopalian and he and his wife send their two children to a private, religious school—and of a political liberal who nevertheless believes that "American liberals have made a grievous error in their flight from religious dialogue."



"Frank, that better be a cigarette in your hand and not a Bible!"

He also comes to this subject with a reputation as an honest, independent thinker, one who is unwilling simply to genuflect before the liberal tabernacle but insists on looking inside. His previous book, *Reflections of an Affirmative Action Baby*—Carter is black—was a courageous attempt to think freshly about race and racial justice in the United States.

The Culture of Disbelief is not an unflawed book. There is an unsettling naiveté in many of its propositions. But if it gets the serious reception it deserves, it ought to engender some badly needed dialogue and soul-searching in high places on the issue of how our political society treats religion and religious people. Carter writes: "In our sensible zeal to keep religion from dominating our politics, we have created a political and legal culture that presses the religiously faithful to be other than themselves, to act publicly, and sometimes privately as well, as though their faith does not matter to them."

The evidence of that is everywhere—in things as small and absurd as a television commentator's wondering aloud whether it was appropriate for First Lady Hillary Rodham Clinton to be seen wearing a religious symbol, a cross, around her neck, to things as large and awesome as the FBI siege and the conflagration at the Waco compound of the Branch Davidians last spring.

Several things have contributed to the creation of this antireligious culture, but a couple are especially worth mentioning.

A principal factor, Carter suggests, has been judicial readings that have contort-

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ed the establishment clause of the First Amendment "from a guardian of religious liberty into a guarantor of public secularism." Thus, it has become possible for judges to overturn legislation that was fully within the authority of a legislature to enact solely because the legislators who approved it had religious motivations. How much of our voluminous legal codes would have to be struck down if that standard were applied to every provision?

Another noteworthy factor is the very odd but incessantly repeated notion that no individual or group ought to "impose their morality" on others—as if any meaningful law does not impose someone's notion of moral behavior (abortion on demand, anyone?) on the population as a whole.

This fear of having an alien morality imposed seems to be about as powerful among the American people as their powerful attachment to religion and belief in God. It is that fear that, for example, the *New York Times* stokes with its periodic breathless, front-page stories on the inroads being made by the Rev. Pat Robertson's Christian Coalition in local elections. A reader may fairly wonder: Are we talking *Invasion of the Body Snatchers* here or democratic politics?

Underlying all this is something very basic: the contest for power. Churches, Carter observes, are sources of authority and power independent of the state. To the extent that they flourish, the state's power is limited; to the extent the churches are diminished, the state's power and the ability of those who control it to pursue their agendas are enhanced.

In other words, far from being a threat to our democratic process, the existence and involvement of the churches in the public square is essential to its operation in a regime of limited government. □

HIS BETTER HALF

IL DUCE'S OTHER WOMAN
Philip V. Cannistraro and Brian R. Sullivan
William Morrow & Co., $25, 685 pp.

Karen Sue Smith

Few women have been removed from history so deliberately or cunningly as was Margherita Sarfatti at the hands of her lover and Fascist political partner for more than twenty years, Benito Mussolini. With this book, it can now be said that few women have been written back into history with such care and skill.

During most of his adult life, Mussolini kept a diary in the vain hope of painting his own portrait for posterity. Sarfatti was mentioned often in it and some pages appeared to be in her handwriting. Around 1937, however, according to a sister and her children familiar with the diary's contents, Mussolini erased, inked over, or ripped out all the entries about Sarfatti, lest his liaison with her—a woman and a Jew—and the extent of her influence on him and on Fascist politics be a matter of record. What Mussolini did not realize was that Sarfatti guarded her own place in history and kept, as proof of it, some 1,200 of the letters she and Mussolini exchanged over a fifteen-year period. Without the letters, which Cannistraro and Sullivan tracked down, this chilling chronicle could not have been written.

Born into a wealthy, cultured Venetian family, Sarfatti (neé Grassini) inherited a spark of intellectual curiosity, fanned into flame by three expert private tutors—one of whom directed the Venice Biennale art exhibit and all of whom eventually became members of parliament. Along with the classics and modern writers, she read Ruskin, Shaw, and Marx and developed a love for art and a keen interest in its potential to influence society. She embraced what the authors

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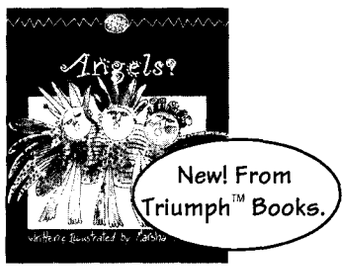
written and illustrated by Marsha Sinetar



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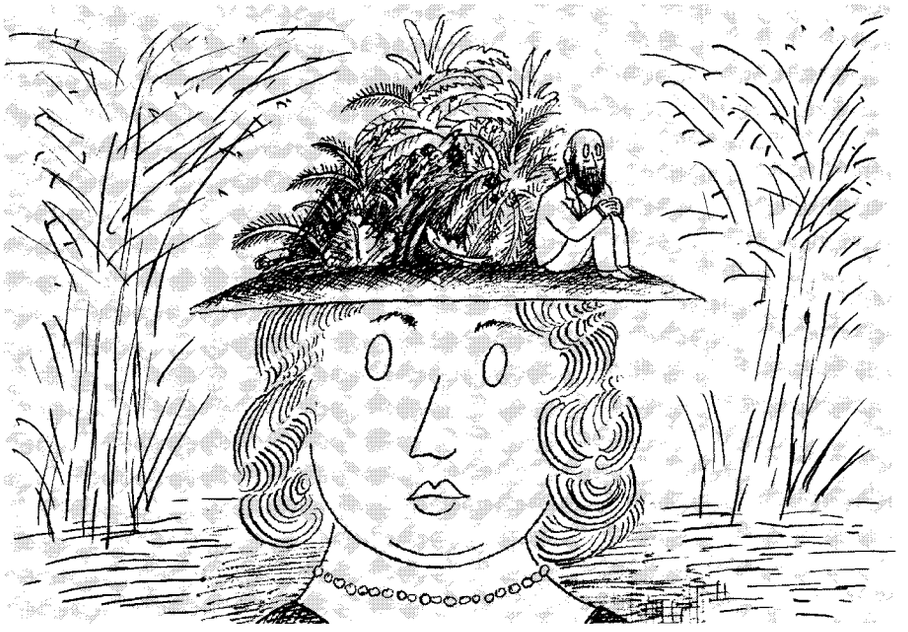

call "the aesthetic possibilities of socialism." Sarfatti jumped into politics while still in her teens, marrying Cesare Sarfatti, a criminal lawyer and soon-to-be Socialist, who became mayor of Milan, though he would remain otherwise politically unsuccessful. The marriage proved a disappointment to her father, a close friend of the anti-Socialist Giuseppe Cardinal Sarto, who would become Pope Pius X. Thus is introduced one of the many subplots in the book: the relationship between church and state in Italy.

By age twenty-three, *La Sarfatti* had a reputation as an art critic, and ten years later she ranked among Italy's most prominent critics, a unique position for a woman of her day. Sarfatti used her aristocratic connections to bestow legitimacy upon the artists who filled the Friday night salons she held at her home. Somewhat surprisingly, given her attachment to the Socialists who were pacifists at that time, Sarfatti was drawn to the Italian futurist painters. Futurists believed that war would cleanse Italy of its stale past and make way for a dynamic future. The futurists appealed to Italian nationalism in terms of recreating "the new Rome," an idea Sarfatti eventually transformed into Fascist rhetoric and recast for the artists' movement she helped form, the *Novecento*.

Sarfatti's intellect and energy, social ture, and blonde, buxom beauty attracted the ambitious young Mussolini, whom she met at the Socialist Party Congress in 1911. By 1913, they were lovers. Because Sarfatti had no wish to embarrass her kind and congenial husband, and because even Mussolini was bound by certain social conventions, they remained discreet (though not secret) lovers for the next two decades. Cesare Sarfatti looked the other way; Rachele Mussolini, however, detested *La Sarfatti* but managed to capture the limelight as her husband's wife only in his final years.

As the Blackshirts attacked the Socialists, thus consolidating their power with virtually no government interference, Sarfatti and Mussolini co-edited several newspapers and magazines. Sullivan and Cannistrato argue that Sarfatti's influence extended to Mussolini's speeches, including his maiden speech before the Chamber of Deputies, in which he called for reconciliation with the church, quoted Terence, used ideas from the Manchester School of economists to defend capitalism, condemned anti-Semitism, and pointed out the inequity of the divorce laws. Sarfatti also collaborated on political strategies, most notably the plans for the March on Rome, which were perfected at her summer home; it was she who urged Mussolini to move quickly.

Sarfatti became the prime minister's publicist. She acted as liaison with foreign journalists, wrote *Dux*, the bestselling biography of Mussolini, and for six years contracted with the Hearst organization to ghostwrite articles under his name, earning for Mussolini an amount that more than doubled his salary and padded her already considerable income.

By the 1930s, though, Sarfatti began to fall from Mussolini's favor. He disdained her fading beauty, but there was more to it; he no longer saw a need to have a cultural mentor nor did he have any desire to share his power. Rachelle and Edda Mussolini, competitors among the *Novecento*, and, indirectly, the Nazis in whom Mussolini began to show increasing interest, nibbled away at Sarfatti's position. By 1936, she found herself cut off from Mussolini's company and unable to publish articles in Fascist papers. That year Italy invaded Ethiopia and turned pro-Germany; anti-Semitic laws followed. Until then, few saw any irony in Mussolini's intimacy with a Jewess, so different was Italian fascism from its German namesake. But by 1938, Sarfatti had fled to South America, alone. She died in 1961.

Restored to her rightful place in history, Sarfatti remains at best a tragic figure. She was impassioned about ideas, understood the genuine power of art, exercised political savvy, and worked relentlessly. She spoke five languages, traveled the world, cultivated international friendships among an elite set of artists and journalists, wrote bestselling books, raised a family, and for a time, advised her country's leader. Yet the early dream she and Mussolini discussed, of building the Second Roman Empire upon the ashes of the Italy left from World War I, a dream that at first improved life for many impoverished Italians, turned into one continuous rationalization for using violence to crush opponents. Her "convictions," including feminism and socialism, proved ephemeral; she converted to Catholicism when anti-Semitism threatened her well-being in Italy. Ultimately, her love for Mussolini turned to loathing.

The authors convincingly argue that if Sarfatti had not been complicit in the Fascists' violent path to power, her own later suffering and exile could have elicited more sympathy. □

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THE VALUE OF THE OTHER

MARVELOUS POSSESSIONS
The Wonder of the New World
Stephen Greenblatt
The University of Chicago Press, $24.95, 202 pp.

Leonard Deen

Marvelous Possessions is a good book, and I recommend it. But for readers unfamiliar with the literary criticism of the "New Historicists," its language can be formidably theoretical. Greenblatt's subject is how European history, law, anthropology, and politics were used to understand and justify the appropriation of the New World. His larger subject is the kind of travel writing he calls "the discourse of wonder." "Wonder," he says, is "charged...with desire, ignorance, and fear... 'a sudden surprise of the soul'" at what is "at once unbelievable and true." Such confrontations provoke imagination, and Greenblatt turns literary analysis of "the imagination at play" in works of art to analysis of "the imagination at [the] work" of exploitation and plunder.

The European "discourses" of legality and power, commerce and religion, were directed not at native Americans, the victims of European exploitation, but at other European nations, in order to establish competing claims to the new lands. For example, when he asserted that he had made his first claim without "contradiction" from the "Indians," Columbus was trying to meet a formal European legal requirement. The natives found a legal champion in Francisco Vitoria (identified only as the author of *De indiis*), who in the 1530s found the Spanish claim to the Indies insufficient because the land was already occupied, because the Indians had suffered "fear and ignorance, which vitiate every choice," and because the Spaniards sought title "in armed array from an unwarlike and timid crowd." But disinterested judgments like Vitoria's—a founding act of international law—are rare in the Early Modern (mostly fifteenth- and sixteenth-century) sources Greenblatt cites.

Europeans learned to extort what they wanted from their new and "marvelous possessions" without ceasing to invoke the sense of wonder, Greenblatt asserts. By their own account, gold had an obsessive hold on their imaginations: "Montezuma is said to have asked Cortes why the strangers had such a hunger for gold, and Cortes is said to have replied that Spaniards had a disease about the heart,

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for which the only cure was gold." The "disease" affected imagination so strongly—and so "rationally," from the point of view of greed—that the Spanish regularly melted down gold objects of great beauty and expressive power into the more abstractly exchangeable form of ingots. And, as often during the Early Modern period, imagination is strikingly cruel. Greenblatt reproduces a famous image that shows native Americans satisfying a prostrate conquistador's insatiable thirst by pouring molten gold down his throat. From Goya-esque European representations like this Greenblatt draws no conclusions about what native Americans actually did. His method, by confining himself to European "practice" and representations, curiously makes the actions of their victims almost irrelevant to the outcome; it leaves Indian behavior a blank, and implicitly guiltless.

In thinking about Greenblatt's judgments and methods it might help to consider Book 4 of Jonathan Swift's *Travels into Several Remote Nations*. There, Gulliver describes the founding of a "modern colony": "a crew of pirates," driven off course, "go on shore to rob and plunder; they see a harmless people, are entertained with kindness, they give the country a new name, they take formal possession of it for the king, they set up a rotten plank or a stone for a memorial, they murder two or three dozen of the natives, bring away a couple more by force for a sample, return home, and get their pardon. Here commences a new dominion acquired with a title by Divine right. Ships are sent..., the natives driven out or destroyed, their princes tortured to discover their gold...." This passage is both too late and too rhetorically weighted for Greenblatt to cite. Swift's story has its sources among writers who are less conscious of what they are revealing, and where the ironies are unintended. But every detail of Swift's/Gulliver's account can be found in the works Greenblatt examines.

Greenblatt's terms—like Swift's fiction in *Travels*—make the familiar strange, so that we can see it. Nothing in *Marvelous Possessions* is made stranger than European religion, and especially Catholicism—"a religious ideology centered on the endlessly proliferated representation of a tortured and murdered god of love...centered on a ritual...in which the god's flesh and blood were symbolically eaten." This "culture" was so confident, Greenblatt notes, that "it expected perfect strangers—the Arawaks of the Caribbean...—to abandon their own beliefs,...and embrace those of Europe." Greenblatt treats Christianity at work in the New World as a cultural and capitalist imperialism so convinced that it was right that refusal to accept the gift of Christianity could provoke "murderous rage" in the donors.

Against such religious conviction, Greenblatt praises a skeptical and tolerant curiosity that tempers the excesses of cultural ethnocentrism by imagining the "other" as having a value as great as our own. Greenblatt has profited from a long-developing tradition of European self-inspection and self-criticism that is not, in his version, religious. It begins with the traveler-writers he identifies as tolerant, and includes Herodotus, Mandeville—a very great liar but a "knight of non-possession"—and Montaigne. (Greenblatt might have added Diderot.) It continues in a tradition (at least partly Protestant) that Greenblatt does not mention: Milton's "Areopagitica" or argument for freedom of speech and publication, and Locke and his justification of the largely bloodless Revolution of 1688. Greenblatt values imagination as much as theory. In his first sentence he speaks of his childhood interest in *The Arabian Nights* and Richard Halliburton's *Book of Marvels*. This engaging, unassuming voice opens out and humanizes Greenblatt's sometimes forbiddingly theoretical language. Generous to the native losers and unsparing in its judgment of the European winners who gained the New World we have inherited, *Marvelous Possessions* reminds us that Amerindians in both North and South America are still losing life and culture, land and power, in spite of the increasing understanding, defense, and support they receive. All three are all too often distant words on a page. □

REVIEWERS

DON WYCLIFF, *formerly a member of the* New York Times *editorial board, is editorial page editor of the* Chicago Tribune.

KAREN SUE SMITH *is editor of* CHURCH *magazine, published by the National Pastoral Life Center, New York. She is currently researching the life of* New York Times *reporter Anne O'Hare McCormick.*

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THE BAD NEWS

GOSPEL
Wilton Barnhardt
St. Martin's Press, $24.95, 772 pp.

Elizabeth Bartelme

This curious, overstuffed novel/travelogue/polemic purports to be a search for a lost gospel, that of Matthias, the disciple chosen to replace Judas. The property of Hebrew University in Jerusalem, the gospel has been stolen and no one is able either to find it or to translate it, should it turn up. (The reader, however, is privy to the gospel's content, as sections of it are inserted between the various parts of the book, complete with scholarly apparatus, so one knows it is an anti-gospel, especially critical of all the rest of the Twelve and dubious about the Resurrection.)

Enter Lucy Danton, a graduate student from the University of Chicago, and Dr. Patrick O'Hanrahan, ex-Jesuit and professor emeritus of theology at the same

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university. O'Hanrahan, a noted grouch and drunkard, wants no part of Lucy when she appears, sent by his department to find out what the noted doctor is doing and why he is spending so much of its money. Lucy, however, is the dogged type and O'Hanrahan cannot shake her. From Oxford to Dublin to Florence to Rome to Athens, Jerusalem, and Cairo, Lucy is on his case. Grudgingly, he gives in and makes her his assistant.

Others, too, are on the trail of the gospel. Rabbi Mordechai Hersch, O'Hanrahan's old pal, is trying to recover the scroll for Hebrew University; O'Hanrahan's former assistant (and Lucy's former boyfriend), Gabriel O'Donoghue, is after it for the Franciscans; a mad monk appears, as do a couple of sinister Jesuits; and then there are the born-again Pentecostals from Louisiana, and the CIA.

Unfortunately, none of this adds up to an enormously exciting tale. Although a few narrow escapes take place (Lucy's kidnapping by the Jesuits, for example), they are handled in such a leisurely fashion that one hardly realizes anything has happened. O'Hanrahan doesn't even miss the poor girl before she's returned.

What distinguishes the story is the amount of chatter that goes on. The talk is constant and much of it resembles a lecture rather than conversation. The author has missed no opportunity to air his views at length—his criticisms of the church, of politics, of fundamentalists, of whatever he dislikes most. O'Hanrahan, acting as the author's amanuensis, presents these ideas as shockers for Lucy, who responds satisfactorily, at least at first. Some of O'Hanrahan's nonsense is funny, much of it is sophomoric, all of it goes on and on, accompanied by minutely described meals and heavy drinking.

Goaded by O'Hanrahan, Lucy has begun to lose her innocence and take on worldly airs and attitudes. In Athens, she discovers sex with a Greek Adonis who leaves her pregnant and faced with a serious dilemma: should she have the child and give up her plans for the good life, or should she abort it and follow her star?

In Louisiana, where they have been delivered by the CIA into the clutches of the Pentecostals, O'Hanrahan collapses with hepatitis and a damaged liver. He tries to persuade Lucy to take over the translation of the gospel now that it is finally within their grasp. Lucy, of course, is no longer available, though she keeps this a secret. And O'Hanrahan, although expecting death momentarily, will live to work on the gospel.

The trials and tribulations of this duo have been carefully monitored by the Lord throughout their adventures. Parenthetical interpolations appear frequently, often sounding more like O'Hanrahan than the Lord God—compassion, admonition, argumentation break up the paragraphs and provide glimpses into the future. It's a device that is more irritating than effective.

In O'Hanrahan and Lucy (and to a lesser degree Rabbi Hersch), Barnhardt has two interesting characters and he has developed them artfully. O'Hanrahan, in particular, moves from a tiresome old man, addicted to alcohol and to scatological stories, to a remorseful penitent, full of regrets for a wasted life. One cannot help but be touched by his ruminations on the mistakes he has made and the life he could have led. Lucy, too, grows and changes in the course of the book. In her case the change is somewhat abrupt—from naif to woman of the world almost overnight. In spite of this hasty development, she is a sympathetic character, open and strong-minded without abrasiveness.

These two are the linchpins of the book. They hold it together amidst a host of minor characters and irrelevant information. It is clear that Barnhardt is up on his biblical studies, as is evident from the heavily footnoted gospel, but the constantly burgeoning flow of stories, discussions, and legends does nothing but slow down the movement of the novel. Had the author exercised some restraint this could have been a good book. As it is, it's only too easy to put it down. □

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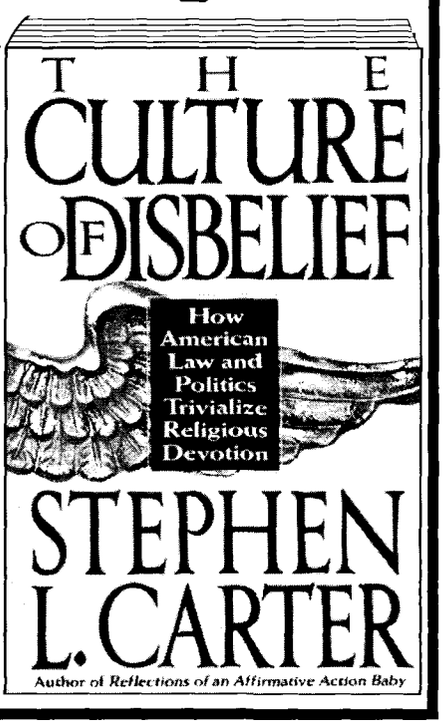

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Creeds, prayers & theories

Lawrence S. Cunningham

The works of Martin Buber have been a regular part of my undergraduate syllabus. For about fifteen years I used his classic *I and Thou* as a regular capstone for my course on the study of religion. Students found the book difficult not because of the complexity of the language (it is simply, almost aphoristically, written) but because one could not sit down and read through it at a clip. Indeed, the work's value is that for those who wish to engage it the demand for slow reading is absolutely necessary.

Kepnes's study (it has the lingering marks of a Chicago dissertation all over it) wishes to make a central and straightforward point: Buber's thought is such that he should be seen, as the subtitle indicates,

The Text as Thou: Martin Buber's Dialogical Hermeneutic and Narrative Theology, *by Steven Kepnes, Indiana University Press, $35, 221 pp.*

as a model both for authentic dialogue (a topic which is central for Buber) and for the construction of a narrative style of theology. (Buber wrote much on Jewish narratives, especially those coming from the Hasidic tradition.) By a judicious use of contemporary critical theory Kepnes makes this point a *leitmotif* of his rather dense study.

I will leave to others to judge how compelling the author's argument is. What I most appreciated was his survey of the Buberian corpus. Kepnes is at his best in describing Buber's principles of biblical hermeneutics in which Buber attempted to balance a sense of the Hebrew text with an eye for the reader who encountered the text in the present situation; Buber's translation reached for a dialogue between reader and text. For Buber the text is always a potential Thou which speaks back to the reader demanding of her an equal response. Kepnes argues elegantly that Buber's conviction fits nicely with contemporary discussions of reader-response theory and goes to some lengths to explain why.

Buber has always been a bit of an enigma. Many observant Jews found his lack of interest in being faithful to the Law troublesome (he himself was not Torah observant) while Zionists were vexed by his interest in a binational state. Nonetheless, both Jews and Christians can learn much from his desire to listen to—or better, converse with—the accumulated source(s) of revelation and from his abiding seriousness. This may not be the book to begin with when learning about Buber, but for those who have read him this sophisticated study will drive them back to a fresh rereading of one of the modern sages of Israel.

Those who remember Catholic worship before the reforms of Vatican II (it is a sad but true fact that we are a diminishing tribe) can only marvel at the seismic shifts that have occurred with reference to the Eucharist: the emargination of tabernacles; the sunsetting of "visits" to the Blessed Sacrament; the decline of Benediction; the different cadences connected with the celebration of the liturgy (remember Solemn High Masses?). Behind those shifts there are, of course, shifts in eucharistic theology. It is useful then to have a highly competent sacramental theologian like David Power (of Catholic University) give us a broad look at the development of eucharistic theology from its New Testament roots through its long and complicated development in subsequent history.

The Eucharistic Mystery: Revitalizing the Tradition, *by David N. Power, Crossroad, $29.95, 370 pp.*

Power's book is historically oriented. He takes us from the New Testament through the rather complex historical roads of the patristic, medieval, post-Tridentine, and contemporary periods. I say "complex" because Power is determined to evoke not only the evidence of the theologians but that of popular religiosity and the growth of the liturgy itself. There is a real payoff with this strategy. Before he treats Saint Thomas, for example, Power situates Aquinas's discussion in terms of the popular eucharistic piety of the Middle Ages.

The Eucharistic Mystery concludes with a survey of contemporary theological thinking about the Eucharist, with a final chapter devoted to suggestions about a eucharistic canon that would do justice to the long historical tradition of the Western liturgy. That final chapter includes a model canon which would link our liturgy with its Jewish antecedents while taking cognizance of the needs of the contemporary situation. What impressed me most about this model was its resistance to any trendiness while being obedient to the exigent realities of today. Power concludes this final chapter with some apposite remarks on ritual performance but—wisely, I think—without giving too many specifics.

In sum: a very fine piece of work by a scholar who has thought hard and read widely about his subject. One can only hope that he, or another sacramental theologian of his competence, will address the other sacraments with the sophistication and care shown in this study.

Power's colleague at Catholic University, Berard Marthaler, has revised his book on the Creed which was first published in 1986. This revision consists both of updatings of the bibliographies and of rewriting certain chapters.

Marthaler's aim is to bring the Creed into dialogue with contemporary theolo-

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gy and religious experience from the perspective of the Catholic tradition. A longtime religious educator, Marthaler has a clear prose style, remembers that his in-

The Creed: The Apostolic Faith in Contemporary Theology, *by Berard Marthaler, Twenty-Third Publications, $14.95, 435 pp.*

tended audience is not the professional theologian, and fully intends to make his book a pedagogical tool. He is, in short, in the tradition of those (beginning back in the patristic period) who use the affirmations of the Creed as a launching pad for a wider discourse on the mysteries of faith.

After an economical but clear description of how creeds evolved in the church, the author devotes chapters to the affirmations of the Creed and, where apposite, adds an excursus that illumines certain problems in contemporary culture. The tone of the chapters is hard to describe: it rests somewhere between theological and catechetical, which is to say that it respects the intellect of the reader while making appeal to her desire for religious response. Marthaler, rightly, assumes that the creed is both a statement of faith and, as its place in the liturgy makes plain, a proclamation of praise (a doxology).

Many writers, from antiquity on, have commented on the Creed and will continue to do so. It is good that we have such works not only for their own value but as signposts as we look at the first part of the new catechism for the church which also frames itself, at least in part, as a commentary on the Creed. This revised version of Marthaler's work is, then, a welcome and useful addition to that literature.

Lectionaries are difficult works to produce. Last spring I was asked to deliver reflections on some Lenten lectionary readings for a local church. I found myself constantly frustrated because the selection always started right after an important verse or ended before the appropriate punch line. This current lectionary, meant to be used by communities or prayer groups, is based on the Roman lectionary

Silent Voices, Sacred Lives: Women's Readings for the Liturgical Year, *edited by Barbara Bowe, R.S.C.J.* et al, *Paulist. $22.95, 464 pp.*

but with readings culled from the tradition to supplement those readings and to highlight the experience of women in the church. The readings (apart from the biblical texts) are gathered from extracanonical sources, martyrologies, hagiography, spiritual works, inscriptions, etc. Some are by women and others about them. To get a sense of the orientation of the work, one might look at the Holy Week readings: from Palm Sunday through Thursday the readings are from the Bible; on Good Friday and the Easter Vigil, the readings recount the martyrdom of men and women

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in second-century Gaul. A nice touch.

I have enjoyed reading from the lectionary and profited from it. I have only two criticisms; one a visceral reaction and the other a more "academic" suggestion. The editors decided to use gender-inclusive language (which is fine by me) but it does point up a problem of prose style. Is it really an advance to substitute "child of humanity" for "son of man"? Apart from the debate about the phrase's meaning in the Bible, the term "child of humanity" reminds me of something one might find on a UNICEF poster. The editors struck the term "Father" for God (a problematic decision in its own right) but could not quite pull that off since it shows up in their version of Luke 2:49 (see: December 31). Was this an oversight or was there another criterion utilized? Wisely, they retained the term "Lord." Their efforts point up how vexatious a problem this linguistic tangle is when one tries for gender-inclusive language.

Two of the editors were trained (at Harvard) as New Testament/early church scholars. This reflects their choice of extrabiblical readings which are heavy in early noncanonical and patristic sources but very thin once they get past the medieval period. If the editors ever desire to expand their lectionary let us have—to cite just a few examples—some Dorothy Day, Edith Stein, Elizabeth of the Trinity, Therese of Lisieux, Teresa of Jesus, Clare of Assisi, Gertrude of Helfta (represented only by a fragment culled from an anthology), Angela of Foligno, etc. There have been just too many texts written by women (and recovered by scholars) after the patristic period to be so parsimonious.

In sum: a splendid idea, well organized, with the potentiality to be even better. It has been nourishing to use.

The Dead Sea Scrolls have been much in the news of late. It is my good fortune to have colleagues who are experts on these manuscript discoveries which are of interest not only in themselves but may shed light on the period immediately preceding the life of Jesus.

Joseph Fitzmyer, a prodigiously gifted scholar, has been involved with scrolls research for nearly forty years. Like other scholars of his generation (e.g., Roland Murphy and Raymond Brown), he has written both important scholarly studies and more popular and accessible books. This little catechism of the scrolls answers questions about how the scrolls were discovered, how they are being edited for publication, what their significance is, and how they bear on our understanding of both Judaism and the New Testament.

Fitzmyer writes, at least in part, to counter the more tendentious claims of those scholars who publish by press release and to sort out and contextualize the journalistic stories which evolve around putative scrolls conspiracies, anti-Semitic plots, Vatican machinations, etc. He is rightfully irritated about the slow pace of scroll publications (especially of nonbiblical material from Qumran Cave No. 4; most of the biblical material is already published) but sees the problem more in terms of scholarly monopoly than of conspiracy. More importantly, in brief but very clear pages, he tells us just how the scrolls help us get new insights into the New Testament. Those pages, untutored as I am in this area, were worth the price of the book.

The question/answer format of Fitzmyer's book has certain disadvantages (such a template interrupts a narrative flow when he has a story to tell) but it has the advantage of providing precise focus for the vast number of topics which he wishes to treat. His scholarly citations are bracketed within the text (he has a prodigious command of the scholarly literature) while a selected annotated bibliography, an index of both citations from the scrolls and the Bible, and a general index round off the volume. Any literate person who wishes solid, nonsensational information about the scroll material will find this book an excellent survey.

Responses to 101 Questions on the Dead Sea Scrolls, *by Joseph A. Fitzmyer, S.J., Paulist, $8.95, 201 pp.*

For the past generation we have had a flood of theological publications from south of the border written by thinkers who try to articulate theology from a Latin American perspective. This vast theological enterprise goes under the general rubric of "liberation theology," although those who have read in it know all too well that it is better to speak of liberation theologies; Gustavo Gutierrez is not Jon Sobrino who is not Leonardo Boff.

Frontiers of Hispanic Theology in the United States, *edited by Allan Figuerora Deck, S.J., Orbis, $16.95, 174 pp.*

Members of ACHTUS (Academy of Catholic Hispanic Theologians of the United States) have now put together a collection of essays in order to give voice to Hispanic Catholics who, while vigorously retaining their Hispanic identity, live within the North American reality. These writers realize that the term Hispanic is an abstraction since it covers, all too inadequately, cultures and histories that are quite diverse. The long Mexican experience in this country, say in the Southwest, is not that of the vibrant Cuban community of South Florida, just as the urban experience of Puerto Ricans is dissimilar to that of Central Americans newly arrived from such tortured countries as El Salvador and Guatemala.

A number of the contributors to this volume (Romero, Espin, Hinojosa) insist that the hermeneutical lens through which one must understand Hispanic religion is the vibrant, popular, paraliturgical complex which goes under the name of *religiosidad popular* (inadequately understood as "popular" religion; perhaps "people's religion" is a better term). Pace Juan Segundo, these theologians do not see *religiosidad popular* as an alienating and repressive phenomenon but as a way of expressing a sense of community, transcendence, hope, and liberation. As a consequence, even those theologians in this volume who are classically trained after the European model (Goizueta and Garcia) tend to turn, as the matrix for their reflections, to the actual life and practice of their communities; a strategy that strikes me as a fruitful one since it helps to keep

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theology from flights into abstraction. As I have often said, only half jokingly, trust no theologian who does not belong to a parish and never uses the envelopes provided for the Sunday collection.

One issue that does occur to me but is not addressed in these essays (Espin alludes to it in a footnote) is what happens to this Hispanic worldview in North America as Hispanics enter the more homogenized mainstream of American culture? After all, the analysis of these scholars about their communities, their customs, and their religious expressions could be applied, *mutatis mutandis*, to almost any immigrant group who settled here at the turn of the century (I leave aside those Hispanic communities, largely in the Southwest, who were here centuries before the post-Civil War immigrations).

Whatever particular problems I see with this volume (like every book written from an ethnic position there is a tendency toward special pleading) are overshadowed by the richness of the material. The ten contributors open up a world which is not my own, teach me about customs which are not mine, and forcefully remind me that the vibrancy of the Catholic tradition is not only to be found in the high-book culture studied by the theologians but in the lived experiences of people like those women (*oradoras*) who take command of ministry in priestless villages and barrios to keep the faith (and the people who profess that faith) united and alive.

That religion involves anthropomorphisms is a banality. Five centuries before Christ, Xenophanes argued that if horses could draw their pictures the gods would be horselike. In the modern period, Ludwig Feuerbach made religion a massive pro-

Faces in the Clouds: A New Theory of Religion, *by Stewart Elliott Guthrie, Oxford University Press, $30, 290 pp.*

jection of humanity's noblest aspirations and ideals. Marx, and after him, Freud, borrowed Feuerbach's insight and read either economic or psychological messages into these projections. Guthrie, an anthropologist from Fordham, goes a long way beyond Feuerbach: anthropomorphism is so fundamental to the human enterprise that it says something about being human and, as a consequence, is the foundational key for understanding the fact (as well as the persistence) of religion. In lengthy chapters he shows that anthropomorphism is the way in which humans deal with everything from perception in general to artistic, philosophical, and scientific discourse in particular. In science, for example, versions of the *Anthropic Principle* (in either the "weak" or "strong" variation) is a notorious example, but it shows up in less obvious ways (e.g., when we speak of the "birth" and "death" of stars).

Guthrie argues that anthropomorphism is at the "core of religious experience." His case is, in my estimation, not very persuasive for the simple reason that he neglects to account for the long tradition that recognizes the problem of anthropomorphism and attempts to overcome the limits of such language. Let me be satisfied with a single example. When Paul Tillich described God as the "Ground of Being" he borrowed his language from the Rhineland mystics (Tillich's "Ground" is, e.g., Eckhart's *Grund*) to attempt an escape from anthropomorphic language. Eckhart, in turn, is a spiritual descendant of the Pseudo-Dionysius (a fifth-century Syriac monk) who was widely commented on in the medieval period. Dionysian theology, in turn, had earlier roots. That tradition, in turn, continues into the contemporary period (there are elements of it in Rahner) via mystics like John of the Cross.

Guthrie has no sustained familiarity with the apophatic tradition and its attempts to avoid domesticating God through the (mis)use of human language. As early as Origen in the third century, there is a fear that a too literal reading of Scripture yields a deficient conception of transcendence. Furthermore, this same apophatic tradition has strong parallels with both the Hindu and Buddhist traditions. Guthrie has read widely in every area except the history of theology and, as a consequence, his theory seems, to this theologian, reductionistically naive. □

CORRESPONDENCE

(Continued from page 2)

tential circumstances that will confront many couples. In the light of conscience, this is not dissent from truth but rather an obligatory contribution to finding the truth.

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